Washington, Thursday, January 28, 1960

Title 7—AGRICULTURE

Chapter I-Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 58-GRADING AND INSPEC-TION, MINIMUM SPECIFICATIONS FOR APPROVED PLANTS AND STANDARDS FOR GRADES OF DAIRY PRODUCTS

Subpart P-United States Standards for Grades of Butter

A notice of proposed rule making covering issuance of United States Standards for Grades of Butter was published in the FEDERAL REGISTER of October 22. 1959 (24 F.R. 8550) and afforded interested persons the opportunity to submit written data, views or arguments in connection therewith. After consideration of all relevant matters presented, including proposals set forth in the aforesaid notice of rule making, the following United States Standards for Grades of Butter are hereby promulgated under the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U.S.C. 1621 et seq.) to become effective April 1, 1960.

The standards are the same as published under proposed rule making and supersede the current United States Standards for Grades of Butter.

DEFINITIONS

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58.2628 Relation of U.S. grade of butter to to the flavor classification as affected by disratings in body, color, and salt characteristics.

58 2629 U.S. grade not assignable. 58.2635 Explanation of terms.

AUTHORITY: \$\$ 58.2621 to 58.2635 issued under sec. 205. 60 Stat. 1090; 7 U.S.C. 1624.

DEFINITIONS

§ 58.2621 Butter.

For the purpose of this Subpart P "butter" means the food product usually known as butter, and which is made exclusively from milk or cream, or both, with or without common salt, and with or without additional coloring matter, and containing not less than 80 percent by weight of milk fat, all tolerances having been allowed for.

§ 58.2622 Cream.

The term "cream" when used in this subpart P means cream separated from milk produced by healthy cows. The cream shall be pasteurized at a temperature of not less than 165° F. and held continuously in a vat at such temperature for not less than 30 minutes: or pasteurized at a temperature of not less than 185° F. for not less than 15 seconds; or it shall be pasteurized by other approved methods giving equivalent results.

U.S. GRADES

§ 58.2625 Nomenclature of U.S. grades.

The nomenclature of U.S. grades is as follows:

- (a) U.S. Grade AA or U.S. 93 Score.
- (b) U.S. Grade A or U.S. 92 Score.
- (c) U.S. Grade B or U.S. 90 Score.
- (d) U.S. Grade C or U.S. 89 Score.

§ 58.2626 Basis for determination of U.S. grade.

The U.S. grade of butter is determined on the basis of classifying first the flavor characteristics and then the characteristics in body, color, and salt. Flavor is the basic quality factor in grading butter and is determined organoleptically by taste and smell. The flavor characteristic is identified and together with its relative intensity is rated according to the applicable classification. When more than one flavor characteristic is discernible in a sample of butter, the flavor classification of the sample shall be established on the basis of the flavor that carries the lowest rating (see Table I). Body, color. and salt characteristics are then noted and any defects are disrated in accordance with the established classification (see Table II). The final U.S. grade for the sample is then established in accordance with the flavor classification,

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¹ Compliance with these standards does not excuse failure to comply with provisions of the Federal Food, Drug, and Cosmetic Act.



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subject to disratings for body, color, and salt; when the disratings for body, color, and salt exceed the permitted amount for any flavor classification the final U.S. grade shall be lowered accordingly (see Table III).

§ 58.2627 Specifications for U.S. grades of butter.

The specifications for the U.S. grades of butter are as follows:

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(a) U.S. Grade AA or U.S. 93 Score. U.S. Grade AA or U.S. 93 Score butter conforms to the following: Possesses a fine and highly pleasing butter flavor. May possess a slight feed and a definite

cooked (fine) flavor. It is made from sweet cream of low natural acid to which a culture (starter) may or may not have been added. The permitted total disratings in body, color, and salt characteristics are limited to one-half (½). For detailed specifications and classification of flavor characteristics see Table I, and for body, color, and salt characteristics and disratings see Table II.

(b) U.S. Grade A or U.S. 92 Score. U.S. Grade A or U.S. 92 Score butter conforms to the following: Possesses a pleasing and desirable butter flavor. May possess any of the following flavors to a slight degree: Aged, bitter, coarseacid, flat, smothered, and storage. May possess feed and cooked (coarse) flavors to a definite degree. The permitted total disratings in body, color; and salt characteristics are limited to one-half (½), except, when the flavor classification is AA, a disrating total of one (1) is permitted. For detailed specifications and classification of flavor characteristics see Table I, and for body, color, and salt characteristics and disratings see Table II.

(c) U.S. Grade B or U.S. 90 Score. U.S. Grade B or U.S. 90 Score butter conforms to the following: Possesses a fairly pleasing butter flavor. May possess any of the following flavors to a slight degree: Lipase, malty, musty, neutralizer, scorched, utensil, weed, whey, and woody. May possess any of the following flavors to a definite degree: Aged, bitter, coarse-acid, smothered, storage, and old cream; feed flavor to a pronounced degree. The permitted total disratings in body, color, and salt characteristics are limited to one-half (1/2), except, when the flavor classification is AA, a disrating total of one and one-half $(1\frac{1}{2})$ is permitted and when the flavor classification is A, a disrating total of one (1) is permitted. For detailed specifications and classification of flavor characteristics see Table I, and for body, color, and salt characteristics and disratings see Table II.

(d) U.S. Grade C or U.S. 89 Score. U.S. Grade C or U.S. 89 Score butter conforms to the following: May possess any of the following flavors to a slight degree: Barny, sour, wild onion or garlic, and yeasty. May possess any of the following flavors to a definite degree: Lipase, malty, musty, neutralizer, scorched, stale, utensil, weed, whey, and-woody. The permitted total disratings in body, color, and salt characteristics are limited to one (1), except, when the flavor classification is A, a disrating total of one and one-half $(1\frac{1}{2})$ is permitted. For detailed specifications and classification of flavor characteristics see Table I, and for body, color, and salt characteristics and disratings see Table II.

(e) General. Butter of all U.S. grades shall be free of foreign materials and visible mold. Butter possessing a flavor rating of AA or A and workmanship disratings in excess of one and one-half $(1\frac{1}{2})$ shall be given a flavor rating only; butter possessing a flavor rating of B or C and workmanship disratings in excess of one (1) shall be given a flavor rating only.

TABLE I—CLASSIFICATION OF FLAVOR CHARACTERISTICS

Identified flavors 1	Fla	Flavor classification					
	AA	A	В	С			
Feed				DADDDDDDD 88888D			

S-Slight; D-Definite; P-Pronounced.

¹When more than one flavor is discernible in a sample of butter, the flavor classification of the sample shall be established on the basis of the flavor that carries the lowest classification.

TABLE II—CHARACTERISTICS AND DISRATINGS IN BODY COLOR, AND SALT

Body					
Characteristics	D	Disratings			
:	8	D	Р`		
Crumbly Gummy Leaky Mealy or grainy Short Weak Sticky Ragged boring	1/2/2/2/2/2/2/2/2/2/2/2/2/2/2/2/2/2/2/2	1 1 1 1 1 1 1 2	2		

TABLE II—CHARACTERISTICS AND DISRATINGS IN BODY, COLOR, AND SALT—Continued

Color					
Characteristics	D	Disratings			
• • • • • • • • • • • • • • • • • • •	8.	D	P		
Wavy Mottled Streaked Color specks	1/2 1 1 1	1 2 2 2 2			
· Salt					
Characteristies	Disratings				
	S	D	P		
SharpGritty	1 1/2	1 2			

S-Slight; D-Definite; P-Pronounced.

§ 58.2628 Relation of U.S. grade of butter to the flavor classification as affected by disratings in body, color, and salt characteristics.

(a) The flavor classification and total disratings in body, color, and salt characteristics permitted in each grade are as follows:

TABLE III

Flavor classification	Total dis- ratings	U.S. grade or U.S. score
AA	1/2 1 1/2 1/2 1 1/2 1/2 1	AA or 93 A or 92 A or 92 B or 90 B or 90 C or 89 C or 89

(b) Examples of the relation of U.S. grades to flavor classification and total disratings in body, color, and salt characteristics:

TABLE IV

	Example No.	Flavor classifica-	Disratings		Total dis-	Permitted total dis-	Disratings in excess	U.S. grade or U.S.	
		tion	Body	Color	Salt	ratings	ratings	of total permitted	score
1 2 3 4 5 6 7 8 9 10 11 12 13		AA AA AA A A B B B	1/2 0 1/2 0 1/2 1/2 0 0 1 1/2 1/2 0	0 1/2 1 0 1/2 1 1/2 0 1/2 0 1/2 1 1/2	000000000000000000000000000000000000000	1/2 1 1/2 1/2 1 1 1/2 1 1 1 1	1/2 1/2	0 3/2 3/2 1 0 1/2 3/2 1 0 1/2 0 0 0 0	B or 90 A or 92 B or 90 B or 90 C or 89 B or 90

§ 58.2629 · U.S. Grade not assignable.

- (a) Butter which fails to meet the requirements for U.S. Grade C or U.S. 89 Score shall not be given a U.S. grade.
- (b) Butter, when tested, which does not comply with the provisions of the Federal Food, Drug, and Cosmetic Act, including minimum milk fat requirements of 80.0 percent, shall not be assigned a U.S. grade.
- (c) Butter produced in a plant found on inspection to be using unsatisfactory manufacturing practices, equipment or facilities, or to be operating under unsanitary plant conditions shall not be assigned a U.S. grade.

§ 58.2635 Explanation of terms.

- (a) With respect to flavor intensity and characteristics—(1) Slight. Detected only upon critical examination.
- (2) Definite. Detectable but not intense.
- (3) Pronounced. Readily detectable and intense.
- (4) Aged. Characterized by lack of freshness.
- (5) Barny. A flavor associated with cow or stable odors.
- (6) Bitter. Astringent, similar to taste of quinine and produces a puckery sensation.
- (7) Coarse-acid. Lacks a delicate flavor or aroma and is associated with an

acid condition but there is no indication of sourness.

- (9) Cooked (coarse). Lacks a fine, delicate, smooth flavor.
- (10) Feed. Aromatic flavor characteristic of the feeds eaten by cows.
- (11) Flat. Lacks natural butter flavor. (12) Lipase. Suggestive of butyric acid, sometimes associated with bitter-
- (13) Malty. A distinctive, harsh flavor'suggestive of malt.
- (14) Metallic. A flavor suggestive of metal, imparting a puckery sensation.
- (15) Musty. Suggestive of the aroma
- of a damp vegetable cellar.
- (16) Neutralizer. Suggestive of a bicarbonate of soda flavor or the flavor of similar compounds.
- (17) Old Cream. Aged cream characterized by lack of freshness and imparts a rough aftertaste on the tongue.

 (18) Scorehold. A more intensified
- (18) Scorched. A more intensified flavor than cooked (coarse) and imparts a harsh aftertaste.
- (19) Sour. Characterized by an acid flavor and aroma.
- (20) Smothered. Suggestive of improperly cooled cream.
- (21) Stale. Characterized by aged cream of poor quality.
- (22) Storage. Characterized by a lack of freshness and more intensified than "aged" flavor.
- (23) *Utensil*. A flavor suggestive of unclean cans, utensils and equipment.
- (24) Weed. Aromatic flavor characteristic of the weeds eaten by cows.
- (25) Whey. A flavor and aroma characteristic of cheese whey.
- (26) Wild onion or garlic. A flavor and aroma characteristic of onion or garlic.
- (27) Woody. Resembles the odor of wood.
- (28) Yeasty. A flavor indicating yeast fermentation.
- (b) With respect to body—(1) Crumbly. When a "crumbly" body is present the particles lack cohesion. The intensity is described as "slight" when the trier plug tends to break and the butter lacks plasticity; and "definite" when the butter breaks roughly or crumbles.
- (2) Gummy. Gummy-bodied-butter does not melt readily and is inclined to stick to the roof of the mouth. The intensity is described as "slight" when the butter tends to become chewy and "definite" when it imparts a gum-like impression in the mouth.
- (3) Leaky. A "leaky" body is present when on visual examination there are beads of moisture on the surface of the trier plug and on the back of the trier or when slight pressure is applied to the butter on the trier plug. The intensity is described as "slight" when the droplets or beads of moisture are barely visible and about the size of a pinhead; "definite" when the moisture drops are somewhat larger or the droplets are somewhat larger or the droplets are more numerous and tend to run together; and "pronounced" when the leaky condition is so evident that drops of water drip from the trier plue.

(4) Mealy or grainy. A "mealy" or "grainy" condition imparts a granular consistency when the butter is melted on the tongue. The intensity is described as "slight" when the mealiness or graininess is barely detectable on the tongue and "definite" when the mealiness or graininess is readily detectable.

(5) Ragged boring. A "ragged boring" body, in contrast to solid boring, is when a sticky-crumbly condition is present to such a degree that a full trier of butter cannot be drawn. The intensity is described as "slight" when there is a considerable adherence of butter to the back of the trier and "definite" when it is practically impossible to draw a full plug of the butter.

(6) Short. The texture is short-grained, lacks plasticity and tends toward brittleness. The intensity is described as "slight" when the butter lacks pliability and tends to be brittle; and "definite" when sharp and distinct breaks form as pressure is applied against the plug.

(7) Sticky. When a "sticky" condition is present, the butter adheres to the trier as a smear and possesses excessive adhesion. The intensity is described as "slight" when the smear is present only on a portion of the back of the trier and "definite" when the trier becomes smeary throughout its length.

(8) Weak. A "weak" body lacks firmness and tends to be spongy. The intensity is described as "slight" when the plug of butter, under slight pressure, tends to depress and is not firm and compact; and "definite" when the plug of butter, under slight pressure, tends to depress easily and definitely lacks firmness and compactness.

(c) With respect to color—(1) Mottled. "Mottles" appear as a dappled condition with spots of lighter and deeper shades of yellow. The intensity is described as "slight" when the small spots of different shades of yellow, irregular in shape, are barely discernible on the plug of butter and "definite" when the mottles are readily discernible on the plug of butter.

plug of butter. (2) Specks. "Specks" usually appear in butter as small white or yellow spots, however, the latter may be of variable size. The intensity is described as "slight" when the spots are few in number and "definite" when they are noticeable in large numbers.

(3) Streaked. "Streaked" color appears as light colored portions surrounded by more highly colored portions. The intensity is described as "slight" when only a few are present and "definite" when they are more numerous on the trier plug

the trier plug.

(4) Wavy. "Wavy" color in butter is an unevenness in the color that appears as waves of different shades of yellow. The intensity is described as "slight" when the waves are barely discernible and "definite" when they are readily noticeable on the trier plug.

(d) With respect to salt—(1) Sharp. "Sharp" salt is characterized by taste sensations suggestive of salt. The intensity is described as "slight" when the salt taste predominates in flavor; and "definite" when the salt taste distinctly predominates in flavor.

(2) Gritty. A "gritty" salt condition is detected by the gritty feel of the grains of undissolved salt, imparting a sandlike feeling on the tongue. The intensity is described as "slight" when only a few grains of undissolved salt are detected and "definite" when the condition is more readily noticeable.

Done at Washington, D.C., this 25th day of January 1960.

ROY W. LENNARTSON,
Deputy Administrator,
Agricultural Marketing Service.

[F.R. Doc. 60-856; Filed, Jan. 27, 1960; 8:52 a.m.]

Chapter VII—Commodity Stabilization Service (Farm Marketing Quotas and Acreage Allotments), Department of Agriculture

[Amdt. 13]

PART 728-WHEAT

Subpart—Wheat Marketing Quota Regulations for 1958 and Subsequent Crop Years

MISCELLANEOUS AMENDMENTS

The purpose of the amendments herein is (1) to change the definition of wheat acreage relative to wheat produced on a wildlife refuge farm and to provide that excess wheat disposed of by mechanical means or by some cause beyond the control of the operator, in case of a delayed notice or where the period for disposition is extended by the State committee, shall not be considered wheat acreage; (2) to provide that the definition of wheat mixture and wheat mixture counties will be applicable to 1959 and prior crop years only; (3) to remove the language dealing with the measurement of farms because the subject is covered in 7 CFR Part 718, Determination of Acreage and Performance; (4) to provide that a producer may have seven additional days to dispose of excess acreage if he failed to dispose of the entire excess acreage within the prescribed time limit after making an honest effort to do so; (5) remove certain language dealing with disposition of excess because the subject is covered in 7 CFR Part 718, Determination of Acreage and Performance; (6) to allow the issuance of a marketing card to a producer where he refuses to sign the acreage report because of religious beliefs; (7) to allow in connection with 1959 and prior crop years, the issuance of a marketing card for a farm where the total of the wheat mixture acreage and the straight wheat acreage does not exceed the larger of the allotment or 15 acres. or the acreage of wheat mixture alone exceeds the larger of the allotment or 15 acres in a wheat mixture county where no straight wheat is produced on the farm; (8) to permit the issuance of a marketing card to a producer on a farm with no excess who has no interest in any excess farm, notwithstanding that another producer on the farm may be ineligible to receive a marketing card

because he does have an interest in a farm with an excess; (9) to allow the county committee to cancel a marketing card if they determine that such action is necessary to enforce the provisions of the Act; (10) to extend present language with respect to issuing marketing certificates to include experimental wheat farms: (11) to require that acreage in the conservation reserve or the great plains program be considered wheat acreage when determining the amount of excess wheat that may be removed from farm storage; (12) to preclude the use of underplanted allotment on government-owned land under a restrictive lease for removing excess wheat from storage; (13) to require that acreage considered wheat acreage under a conservation reserve contract or a great plains contract be deemed to have produced the normal production of wheat when determining the actual production for the farm: (14) to authorize under certain conditions the issuance of a marketing certificate in lieu of a marketing card to an agricultural experiment station; (15) to provide for a change regarding the marketing of within quota wheat produced on wildlife refuge farms in 1960 and subsequent crop years; (16) to provide that a report of production and disposition of feed wheat may be requested from a feed wheat producer at any time up to one year after the crop of wheat is completely disposed of; and (17) to allow cancellation of a feed wheat application by the county committee upon determination that the terms of the application have been violated or upon determination that the wheat acreage does not exceed the larger' of the farm wheat acreage allotment or 15 acres.

The amendment with respect to the definition of wheat acreage referred to herein relative to a wildlife refuge farm, is necessary because of an amendment to Part 719—Reconstitution of Farms. Farm Allotments and Farm History and Soil Bank Base Acreages (23 F.R. 10476). The amendment with respect to the definition of wheat mixture and wheat mixture counties is necessary to bring these regulations into agreement with the determination to discontinue recognizing wheat mixtures as published in 24 F.R. 4507, § 728.1001(f)(1), dated June 3, 1959. The amendment with respect to the disposition of excess acreage, signing the acreage report, issuing marketing cards and certificates, considering conservation reserve and great plains acreage as wheat acreage, precluding the use of underplanted allotment on government-owned land under a restrictive lease for depleting stored excess wheat, requiring a report from a feed wheat producer, and canceling a feed wheat application, are considered necessary to facilitate administration of the marketing quota program.

Since these amendments apply to the 1960 crop of wheat, it is important that producers be informed of them as soon as possible.

Accordingly, it is hereby found that compliance with the notice, procedure and effective date provisions of the Administrative Procedure Act (5 U.S.C.

1003) is unnecessary and contrary to the public interest, and these amendments shall become effective upon publication in the FEDERAL REGISTER.

§ 728.851 [Amendment]

1a. Section 728.851 (v) (Definition of wheat acreage) is amended to read as follows:

(v) "Wheat acreage" means any acreage planted to wheat and any acreage of volunteer (self-seeded) wheat which is not disposed of or destroyed by the disposal date determined under § 728.855: excluding (1) any acreage of a wheat mixture of the 1959 or prior crops in wheat-mixture counties; (2) any acreage of a mixture of other grains and wheat which does not contain enough wheat to cause the grain to be graded as "mixed grain" under the Official Grain Standards of the United States (Part 26 of this title); (3) any acreage of wheat cover crop; (4) any acreage of wheat grown for experimental purposes only by or under contract to a publicly owned agricultural experiment station; (5) any acreage of wheat grown prior to the 1960 crop year by any Federal or State wildlife refuge farm where all the wheat on the farm is produced solely for wildlife feed or seed for the production of wildlife feed on such 'wildlife refuge farm; and any acreage of wheat grown in 1960 or subsequent crop years in excess of the allotment on a wildlife refuge farm consisting solely of Federal or State-owned land provided such acreage of the 1960 or subsequent crop is not harvested, but is left on the land for wildlife feed: (6) any acreage of unharvested wheat which is disposed of by mechanical means to the extent that such wheat cannot be harvested for grain or used for hay, pasture or silage (i) within 15 days after a delayed notice of excess acreage of wheat is mailed to the operator of the farm, or (ii) within an extended period of time as authorized by the county or State committee in accordance with § 728.855 (a) (2) and (3); (7) any acreage of unharvested wheat in excess of the allotment which is destroyed by some cause beyond the control of the operator to the extent that such wheat cannot be harvested for grain or used for hay, pasture or silage (i) prior to 30 days before the date wheat harvest normally begins in the county or areas within the county (as determined under § 728.855), (ii) within 15 days after a delayed notice of excess acreage of wheat is mailed to the operator of the farm, or (iii) within an extended period of time as authorized by the county or State committee in accordance with § 728,855(a) (2) and (3): (8) any acreage of unharvested wheat not in excess of the allotment which is destroyed by some cause beyond the control of the operator to the extent that such wheat cannot be harvested for grain or used for hay, pasture or silage (i) prior to 30 days before the date wheat harvest normally begins in the county or areas within the county (as determined under § 728.855), (ii) within 15 days after a delayed notice of excess acreage of wheat is mailed to the operator of the farm, or (iii) within an extended period of time as authorized by

the county or State committee in accordance with § 728.855(a) (2) and (3): Provided, That this subparagraph (8) shall be applicable only if the producer requests the county committee to exempt such acreage not in excess of the allotment from the classification of wheat acreage.

b. Section 728.851(y) is amended by adding at the end thereof the following sentence: "This definition is applicable to 1959 and prior crops only."

c. Section 728.851(z) is amended by adding at the end thereof the following sentence: "This definition is applicable to 1959 and prior crops only and with respect to the 1960 and subsequent crops there will be no wheat mixture counties."

2. Section 728.854 is amended to read as follows:

§ 728.854 Measurement of farms.

Farms shall be measured under the general supervision of the county committee in accordance with Part 718—Determination of Acreage and Performance, of this chapter (24 F.R. 4223) and any amendments thereto.

§ 728.855 [Amendment]

3a. Section 728.855(a)(1) is amended to read as follows:

(1) If the county committee determines that the wheat acreage on any farm is in excess of the farm wheat acreage allotment, the operator shall be mailed a written notice on Form CSS-590 showing the wheat acreage and the final date for adjusting such acreage to the farm wheat acreage allotment. The date shown on such notice shall be the applicable date as established under paragraph (b) of this section, except that if the notice is not mailed at least 15 days prior to such date, the period during which the excess wheat acreage may be adjusted to the wheat acreage allotment shall be extended to a date which is 15 days from the date the notice is mailed. In the event of such delayed notice, if the disposition of the excess is carried out after the end of the final date specified in paragraph (b) of this section, such disposition must be accomplished by mechanical means or by some cause beyond the control of the operator to the extent it cannot be harvested for grain or used for hay, pasture or silage. If, when excess acreage remains after the initial adjustment by disposition, the county committee or the county office manager determines that the producer made an honest effort to dispose of the entire excess acreage, the producer shall be mailed a revised notice of Form CSS-590 providing an additional seven days from the date of such notice to dispose of the remaining excess acreage. Form CSS-590, original or revised, shall bear the actual or facsimile signature of the county office manager or a member of the county committee. Such facsimile signature may be affixed by a county office employee.

b. Section 728.855(a) (3) is amended by adding at the end thereof the following sentence: "Disposition of the excess acreage within the extended period must be accomplished by mechanical means or by some cause beyond the control of certificate shall be issued in such cases acreage and such acreage shall be added the operator to the extent it cannot be harvested for grain or used for hay, pasture or silage."

c. Section 728.855(a) is further amended by deleting subparagraph (4).

§ 728.867 [Amendment]

4a. The second sentence of § 728.867 (a) is amended to read as follows: "A marketing card-shall not be issued until the performance report (CSS-578) has been signed by the operator or his representative except where such performance report is not signed because of the religious beliefs of the operator."

b. Section 728.867(b) is amended to read as follows:

- (b) Producers ineligible to receive marketing cards. The producers on a farm shall be ineligible to receive marketing cards (1) 'if any producer on the farm owes any penalty for excess wheat for any preceding crop year, (2) if determination of the wheat acreage has not been made and has been prevented by any producer on the farm, (3) if the farm marketing excess determined under § 728.859 is adjusted under § 728.862, (4) if an exemption from marketing quota obligations is obtained under the provisions of § 728.893 and the conditions of the exemption are fully complied with, or (5) if for 1959 and prior crop years, both a crop of wheat and a crop of wheat mixture in wheat-mixture counties were produced on the farm in the same crop year and the total of the wheat mixture acreage and the straight wheat acreage exceeded the larger of the allotment or 15 acres, or the acreage of wheat mixture alone exceeded the larger of the allotment or 15 acres in a wheat mixture county where no straight wheat was produced on the farm, (6) if the performance report (CSS-578) has not been signed by the operator or his representative except where such performance report is not signed because of the religious beliefs of the operator, or (7) if a producer's liability has been reduced to a proportionate share of the entire penalty. A producer shall not be considered to owe any penalty under subparagraph (1) of this paragraph if he has avoided or postponed payment of the penalty through storage of excess wheat in accordance with applicable regulations.
- c. The third sentence of § 728.867(c) is amended to read as follows: "The other producers on a farm for which the multiple farm producer would otherwise be eligible to receive a marketing card shall receive marketing cards with respect to the farm notwithstanding the ineligibility of the multiple farm producer to receive a marketing card."
- d. Section 728.867(e) is amended to read as follows:
- (e) Producers to whom marketing cards will not be issued to enforce the provisions of the act. Notwithstanding any other provision of this section, the county committee shall deny any producer a marketing card or cancel the marketing card if issued if it determines that such action is necessary to enforce

for any proved production.

§ 728.868 [Amendment]

5. Section 728.868(a) is amended to read as follows:

(a) Producers to whom marketing certificates may be issued. The county office manager or a member of the county committee, shall, upon request, issue a marketing certificate, Form MQ-94-Wheat, to any producer (1) who is eligible to receive a marketing card and who desires to market wheat by telegraph, telephone, mail, or by any means or method other than directly to and in the presence of the buyer or transferee, (2) whose liability has been reduced to a proportionate share of the entire penalty and such liability discharged in accordance with the provisions of § 728.874(c), (3) who is ineligible to receive a marketing card solely because of penalties owed by him/ or by any producer on the farm for excess wheat for any preceding crop year, (4) who is ineligible to receive a marketing card solely because of excess wheat produced on another farm as provided in § 728.867(c), (5) who is ineligible to receive a marketing card because the farm marketing excess determined under § 728.859 was adjusted under § 728.862, (6) who is ineligible to receive a marketing card because he is exempted from marketing quota obligations under the provisions of § 728.893 for a certain crop year or years but has wheat on hand of a prior or subsequent crop year for which he would otherwise be eligible to receive a marketing card or is otherwise eligible to receive a marketing card on a farm not covered by such exemption, (7) who in 1959 or a prior crop year was ineligible to receive a marketing card because he had an interest in a crop of wheat and a crop of wheat mixture in a wheat-mixture county and the total of the wheat mixture acreage and the straight wheat acreage exceeded the larger of the allotment or 15 acres, or he had an interest in an acreage of wheat mixture only in a wheat-mixture county and such acreage exceeded the larger of the allotment or 15 acres, (8) who has eligible wheat produced in a prior year but who is ineligible to receive a marketing card for the current crop year, (9) who is a responsible executive officer of an agricultural experiment station entitled to market wheat grown for experimental purposes only where the acreage of wheat grown for non-experimental purposes is in excess of the farm acreage allotment, or (10) who is ineligible to receive a marketing card under § 728.867(c). Upon request, a marketing certificate will be issued to any wheat producer outside the commercial wheatproducing area.

§ 728.879 [Amendment]

6a. The last sentence of § 728.879(h) is amended to read as follows: "For the purpose of this paragraph the acreage, if any, diverted from the production of wheat under a conservation reserve contract or a great plains conservation prothe provisions of the act. A marketing gram contract will be considered wheat

to the wheat acreage determined for the farm. The acreage considered to be diverted from the production of wheat under a conservation reserve contract shall be the acreage placed in the conservation réserve at the regular rate, not to exceed the amount by which the wheat acreage allotment for the farm exceeds the wheat acreage determined for such farm: Provided, That in the event the farm also has one or more other commodity allotments and the acreage placed in the conservation reserve at the regular rate is less than the sum of the amounts by which each allotment (after release and before reapportionment, where applicable) exceeds the acreage planted to each such allotment crop on the farm, the acreage placed in the conservation reserve at the regular rate shall be prorated and credited to each allotment commodity. The acreage diverted from wheat in order to carry out a great plains conservation program contract shall be determined by the county committee after consultation with the producer and the work unit conservationist. Such acreage shall not exceed the amount by which the wheat acreage allotment exceeds the sum of the actual wheat acreage on the farm plus the acreage considered to be wheat acreage under a conservation reserve contract."

b. Section 728.879(h) is further amended by adding at the end thereof new language to read as follows: "A producer shall not be entitled to remove excess wheat from storage under this paragraph by underplanting the allotment on government-owned land under a lease restricting the production of wheat.

c. Section 728.879(i) is amended by adding at the end thereof new language to read as follows: "For the purpose of this paragraph, any acreage which is considered to be wheat acreage under a conservation reserve contract or a great plains contract under § 728.879(h) will be deemed to have produced the normal production of wheat when determining the actual production for the farm.'

§ 728.891 [Amendment]

- 7. Section 728.891(b) is amended to read as follows:
- (b) Issuing marketing cards or marketing certificates. The county office manager or a member of the county committee shall, upon written application of a responsible executive officer of any publicly-owned agricultural experiment station to which the exception referred to in paragraph (a) of this section is applicable, issue a marketing card or a marketing certificate for the experiment station in the manner and subject to the conditions specified in §§ 728.867 to 728.870, inclusive.
- 8. Section 728.892 is amended to read as follows:
- § 728.892 Wheat produced on wildlife refuge farms.
- (a) Wheat produced in 1959 and prior years. The penalty shall not apply with respect to the 1959 and prior crop years to the wheat produced on any farm op-

erated by any Federal or State wildlife refuge farm where all the wheat on the farm is produced solely for wildlife feed or seed for the production of wildlife feed on such wildlife refuge farm. No marketing card or marketing certificate shall be issued to any producer on any such farm except under the provisions §§ 728.867, 728.868, 728.890 and 728.891, but the exemption from penalty shall be granted by the county office manager upon the written application of the operator or responsible executive officer on any such farm stating that all the wheat produced on the farm will be used solely for wildlife feed and for seed for the production of wildlife feed on such wildlife refuge farm.

(b) Wheat produced in 1960 and subsequent years. The penalty shall not apply with respect to the 1960 and subsequent crop years to any wheat produced in excess of the allotment on a wildlife refuge farm consisting solely of Federal or State-owned land: Provided, That such acreage is not harvested, but is left on the land for wildlife feed. The exemption from penalty shall be granted by the county office manager upon the written application of the farm operator or responsible executive officer on any such farm, stating that none of the excess wheat produced on the farm will be harvested and that such excess will be left on the farm for wildlife feed. For the purpose of marketing within quota wheat produced on such farm, a marketing card or marketing certificate may be issued in the same manner and subject to the conditions specified in §§ 728.867, 728.868, 728.890 and 728.891.

§ 728.893 [Amendment]

9a. Section 728.893(b)(8) is amended to read as follows:

(8) Each producer on the farm shall, when requested by the county committee or when requested by a representative of the Secretary, furnish to such county committee or representative of the Secretary within 15 days from the date the request is mailed, a report indicating the production and disposition of the crop of wheat produced on the farm covered by the application for exemption. The report may be requested at any time not later than one year after such crop of wheat is completely disposed of. The county committee or representative of the Secretary may require a report of the production and disposition of wheat on all other farms, in which the producer has an interest in the crop of wheat for such crop year.

b. Section 728.893(c) is amended to read as follows:

(c) Cancellation of application. An application for exemption may be cancelled at any time at the request of all producers on the farm who signed the application, or their successors-in-interest or by the county committee upon determination that the terms of the feed wheat exemption application have been violated or upon determination that the farm wheat acreage does not exceed the larger of the farm wheat acreage allotment or 15 acres. Producer requests for cancellation shall be made by signing a Form HQ-34-Wheat, Request for Cancellation of Application for Exemption from Provisions of Wheat Marketing Quota Obligations under Provisions of Public Law 85-203 (hereinafter referred to as "request for cancellation") and filing such forms in the county office. Cancellation shall be made by the county committee if it determines that all producers who signed the application for exemption, or their successors-in-interest, have signed the request for cancellation. Cancellation, whether made at the request of the producer or upon the motion of the county committee, shall be evidenced by the word "cancelled" written across the face of the application for exemption, followed by the signature of a member of the county committee acting for the county committee. If cancellation is made prior to the date for utilizing as wheat cover crop, the acreage in excess of the farm acreage allotment or 15 acres, whichever is larger, as provided in this subpart, the producers on the farm shall have the same rights and obligations with respect to adjusting the farm wheat acreage and in all other respects under the wheat marketing quota program as any producer who did not file an application for exemption under paragraph (a) of this section. If the cancellation is made after the final date for utilizing wheat acreage as wheat cover crop as described in the preceding sentence, the producers on the farm shall have no right to adjust their wheat acreage, but shall have the same rights and obligations with respect to the marketing of their crop of wheat as other producers who did not file an application for exemption under paragraph (a) of this section.

(Sec. 375, 52 Stat. 66, as amended; 7 U.S.C. 1375. Interpret or apply secs. 301, 335, 373, 52 Stat. 38, as amended, 54, as amended, 65, as amended, 55 Stat. 203, as amended, secs. 106, 112, 125, 70 Stat. 191, 195, 198; 7 U.S.C. 1301, 1335, 1340, 1373, 1813, 1824, 1836)

Issued at Washington, D.C., this 22d day of January 1960.

WALTER C. BERGER, Administrator, Commodity Stabilization Service.

[F.R. Doc. 60-858; Filed, Jan. 27, 1960; 8:52 a.m.]

Chapter IX-Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture PART 904-MILK IN GREATER BOS-TON, MASS., MARKETING AREA PART 996-MILK IN SPRINGFIELD, MASS., MARKETING AREA

PART 999-MILK IN WORCESTER, MASS., MARKETING AREA

Order Suspending Certain Provisions

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the orders regulating the handling of milk in the Greater Boston, Massachusetts, marketing area (7 CFR Part 904), the Springfield, Massachusetts, marketing area (7 CFR Part 996). and the Worcester, Massachusetts, marketing area (7 CFR Part 999), it is hereby found and determined that:

(a) For the month of February 1960 all the provisions of §§ 904.48(b), 996.48(b) and 999.48(b) of the respective orders, except the provision "The supply-demand adjustment factor shall be"and the provision ".88" as they appear in subparagraph (4), no longer tend to effecutate the declared policy of the Act.

The supply-demand adjustor, as set forth in the sections of the respective orders referred to above, is intended to reflect in the computation of the New England basic Class I price for the current month the current regional supplydemand balance based on experience in the second and third preceding months as measured by conditions existing in the Greater Boston, Springfield, and Worcester markets. With the institution of regulation in the Southeastern New England and Connecticut markets there has been a shifting of supplies and sales as between the five New England markets which has resulted in an apparent shortening of the regional supply as measured by the present mechanics of the supply-demand adjustor.

On the basis of the evidence introduced at a public hearing held in Boston on April 14-15, 1959, it was concluded that, in fact, there had been no significant change in the actual supply-demand situation in the region. Accordingly, the supply-demand adjustment factor was held by suspension action at 0.90 for the pricing months of May through October.

Evidence received at the public hearing held at Boston on October 19-20, 1959 indicated that the Class I price level maintained by suspension of the supplydemand adjustment factor to 0.90 since May 1959 had brought forth an adequate supply of milk to meet the fluid milk uses in the five markets. While other factors contained in the New England basic Class I price formula indicated a price increase for the months of November and December, the overall supplydemand relationship did not warrant such action. Accordingly, suspension action was taken to set a supply-demand factor of 0.88 for the months of November 1959 through January 1960, thus continuing the same basic Class I price level as that which has provided an adequate supply of milk for the five markets since April of 1959.

There has been no significant change in the supply-demand situation in the five markets or in the other factors contained in the New England Class I price formula since the last suspension action. Use of a supply-demand adjustment factor of 0.88 for the month of February 1960, will provide for continuing the same basic Class I price level which has prevailed in the preceding months of 1959.

Failure to suspend the provisions as herein provided would result in a Class I price for the month of February 1960 in the five New England Federal order markets higher than would otherwise prevail. Any price higher than that which will result from this action would be higher than necessary to provide an adequate supply of pure and wholesome

milk, and would be higher than justified by the actual supply-demand situation.

(b) Notice of proposed rule making, public procedure thereon, and 30 days notice of effective date hereof are not practical, not necessary, and contrary to public interest in that:

(1) This suspension order does not require of persons affected substantial or extensive preparation prior to the effec-

tive date.

(2) This suspension order is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in each of the respective marketing areas.

Therefore, good cause exists for making this order applicable for the month of February 1960.

It is therefore ordered, That the aforesaid provisions of the aforesaid orders are hereby suspended effective upon issuance, for the month of February 1960. (Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Issued at Washington, D.C., this 22d day of January 1960.

CLARENCE L. MILLER, Assistant Secretary.

[F.R. Doc. 60-833; Filed, Jan. 27, 1960; 8:48 a.m.]

Title 20—EMPLOYEES' BENEFITS

Chapter II—Railroad Retirement Board

PART 208—ELIGIBILITY FOR AN ANNUITY

Miscellaneous Amendments

Pursuant to the general authority contained in section 10 of the act of June 24, 1937 (50 Stat. 314, 45 U.S.C. 228(j)), §§ 208.1(a) (3), 208.7(a) (2), 208.27, 208.29 and 208.31 of Part 208 (20 CFR 208.1(a) (3), 208.7(a) (2), 208.27, 208.29, and 208.31) of the Regulations under such act are amended by Board Order 60-8, dated January 18, 1960, to read as follows:

§ 208.1 Statutory provisions.

(a) * *

(3) Individuals who will have attained the age of sixty and will have completed thirty years of service or, in the case of women, who will have attained the age of sixty-two and will have completed less than thirty years of service, but the annuity of such individual shall be reduced by one one-hundred-and-eightieth for each calendar month that he or she is under age sixty-five when the annuity begins to accrue.

§ 208.7 Annuities for employees.

(a) * * *

(2) The individual is a man who has attained age 60 and has completed at least 354 months of service, or the individual is a woman who has attained age 62 and has completed less than 354 months of service, but the annuity of such an individual shall be reduced by one one-hundred-and-eightieth for each calendar month during all of which he or she is under age 65 when the annuity begins to accrue, or

§ 208.27 Disability annuitant to notify of recovery from disability and of employment or self-employment.

It shall be the duty of an individual awarded an annuity upon the basis of permanent disability for any regular employment, or upon the basis of permanent disability for work in his regular occupation, to notify the Board before he attains age 65 of his recovery from such disability and of any employment or self-employment as prescribed in § 217.3 of this chapter.

§ 208.29 Cessation of disability annuities.

(a) An annuity awarded to an individual upon the basis of his having become permanently disabled for any regular employment, or upon the basis of his having become permanently disabled for work in his regular occupation, shall cease before the individual attains age 65 as of the last day of:

(1) The month in which he recovers

from such disability; or

(2) The month preceding the month in which he dies, regardless of his age;

(3) The month following the month in which a notice was mailed to him requiring him to furnish additional proof of the continuance of his disability, if he failed to comply with such notice; or

(4) The month in which the Board receives notice of his failure to appear for, or submit to, a required examination;

(5) The month in which he was required to furnish the Board with any information relating to employment, earnings and his physical or mental condition, if he failed to furnish such information.

(b) The annuity of an individual based upon either the disability described in § 208.7(a) (3) or (4) who fails to relinquish rights to return to service in accordance with Part 216 of this chapter shall be suspended as of the end of the month in which he attains age 65.

(c) Annuity payments which ceased by reason of noncompliance with the provisions of one or more of paragraphs (a) (3) through (5) of this section shall be restored if within a reasonable time the annuitant shows good cause for such noncompliance.

§ 208.31 Cessation of disability annuity not prejudicial to further eligibility.

The cessation pursuant to section 208.29 of a disability annuity shall not prejudice any rights of the individual, formerly in receipt of such annuity, to any annuity to which he may thereafter become entitled; and for such purpose, years of service acquired by such an individual whose annuity shall have so ceased prior to age 65 may be credited with the same effect as if no annuity had previously been awarded.

(Sec. 10, 50 Stat. 314, 45 U.S.C. 228(j))

Dated: January 22, 1960.

By authority of the Board.

MARY B. LINKINS, Secretary of the Board.

[F.R. Doc. 60-830; Filed, Jan. 27, 1960; 8:48 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B-FOOD AND FOOD PRODUCTS

PART 29—FRUIT BUTTERS, FRUIT JELLIES, FRUIT PRESERVES, AND RELATED PRODUCTS; DEFINITIONS AND STANDARDS OF IDENTITY

Artificially Sweetened Fruit Jellies, Artificially Sweetened Fruit Preserves or Jams; Order Staying Effectiveness of Order Establishing Definitions and Standards of Identity

In the matter of adopting definitions and standards of identity for artificially sweetened fruit jellies and artificially sweetened fruit preserves or jams:

In accordance with the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371), the Commissioner of Food and Drugs, under authority delegated to him by the Secretary of Health, Education, and Welfare (22 F.R. 1045, 23 F.R. 9500), promulgated an order. FEDERAL REGISTER of October 31, 1959 (24 F.R. 8896), fixing and establishing definitions and standards of identity for artificially sweetened fruit jellies and for artificially sweetened fruit preserves or jams. Pursuant to section 701(e) of the act, persons who might be adversely affected by the order were allowed 30days in which to file written objections to the order, showing how they would be affected adversely, specifying with particularity the provisions deemed objectionable, stating grounds for objections, and requesting a public hearing on the issues raised by the objections.

Objections were filed to the order on the grounds that establishment of standards for these foods under the names specified in the order would not promote honesty and fair dealing in the interest of consumers; that the minimum limit for fruit or fruit juice should be lowered from 55 percent to 45 percent and that an unspecified maximum limit for fruit or fruit juice should be set; that the listing of the jelling ingredients named in §§ 29.4(d) and 29.5(d) should either be expanded to include additional jelling ingredients or be expressed in general terms that would provide for such other ingredients; that the standards should provide for optional use of artificial coloring; that propylene glycol should be named as a permitted optional ingredient; and that sugar should be made a permitted ingredient for adjusting the carbohydrate content.

Because of the objections filed and the necessity for holding a public hearing to resolve the issues raised: It is ordered, That the order establishing definitions and standards of identity for artificially sweetened fruit jellies and artificially sweetened fruit preserves or jams (24 F.R. 8896) be stayed in its entirety.

In accordance with the provisions of section 701 of the Federal Food, Drug.

and Cosmetic Act, the Commissioner will, as soon as practicable, announce a public hearing for the purpose of receiving evidence relevant and material to the issues raised by the objections filed.

(Sec. 701, 52 Stat, 1055, as amended: 21 U.S.C. 371. Interpret or apply sec. 401, 52 Stat. 1046, as amended; 21 U.S.C. 341)

Dated: January 26, 1960.

[SEAL] GEO P. LARRICK. Commissioner of Food and Drugs.

[F.R. Doc. 60-880; Filed, Jan. 27, 1960; 8:54 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I-Bureau of Land Management, Department of the Interior

PART 161-THE FEDERAL RANGE CODE FOR GRAZING DISTRICTS

Definitions; Land Dependent by Use

JANUARY 22, 1960.

Special rule to establish the priority period for determining dependency by use of base properties utilizing certain Federal Range in Montana Grazing Districts Nos. 1, 2, 3 and 6.

In F.R. Doc. 59-7815, appearing at page 7582 of the issue of the FEDERAL REGISTER for Saturday, September 19, 1959, the following changes should be made:

On page 7583, the land description under T. 5 N., R. 54 E., now reading "secs. 1 to 34, inclusive. sec. 36." should read 'secs. 1 to 30, 32 to 36, inclusive.'

On page 7584, the land description now reading "secs. 20 to 26", T. 6 N., R. 58 E., should read "secs. 20 and 26". The land description now reading "T. 5 N., R. 59 E." should read "T. 5 N., R. 58 E."

The land description under "T. 7 N., R. 23 E." now reading "sec. 36" should read "sec. 35." The land description now reading "secs. 1 to 5, 8 to 16, 21 to 28, 33 to 36, inclusive" should be deleted and the following description substituted therefor:

T. 8 N., R. 23 E.

Secs. 1 to 5, 8 to 16, 21 to 28, 33 to 36, inclusive.

The provisions of this special rule shall be amended to apply to the Federal range located within the following-described areas:

MONTANA PRINCIPAL MERIDIAN

T. 19 N., R. 20 E.

Secs. 22 and 29, that part south of Armells Creek;

T. 21 N., R. 21 E.,

Secs. 13 to 16, 21 and 28;

T. 21 N., R. 22 E.,

Secs. 12 to 18: T. 21 N., R. 23 E.,

Sec. 6;

T. 16 N., R. 30 E.,

Secs. 3, 10 to 14; T. 15 N., R. 32 E.,

All land south of State Highway 18;

T. 1 S., R. 57 E.,

Secs. 1, 2, 11 to 14, 22 to 28, 33 to 36, inclusive;

No. 19-

T. 2 S., R. 57 E., Secs. 1 to 4, 9 to 16, inclusive; Sec. 21, $E\frac{1}{2}$; Secs. 22 to 27, inclusive: Sec. 28, E1/2; Sec. 33, E1/2; Secs. 34 to 36, inclusive; T. 1 S., R. 58 E.,

Secs. 1, 2, 3, 5 to 36, inclusive;

T. 2 S., R. 58 E., Secs. 1 to 36, inclusive;

T. 3 S., R. 58 E.,

Secs. 1 to 5, 8 to 17, 20 to 24, inclusive; T. 1 S., R. 59 E. Secs. 5 to 8, 17 to 20, 29 to 32, inclusive:

T. 2 S., R. 59 E.

Secs. 1 to 36, inclusive; T. 3 S., R. 59 E.

Secs. 1 to 24, inclusive.

EARL J. THOMAS. Acting Director.

[F.R. Doc. 60-828; Filed, Jan. 27, 1960; 8:47 a.m.1

Title 26—INTERNAL REVENUE. 1954

Chapter I-Internal Revenue Service, Department of the Treasury

SUBCHAPTER A-INCOME TAX

[T.D. 6449]

PART 1-INCOME TAX; TAXABLE YEARS BEGINNING AFTER DE-**CEMBER 31, 1953**

Miscellaneous Amendments

On September 2, 1959, a notice of proposed rule making regarding the regulations under sections 1242 and 1243 of the Internal Revenue Code of 1954 and amendment of the Income Tax Regulations (26 CFR 1.243, 1.243-1, 1.243-2, 1.246, 1.246-2, and 1.533-1) under sections 243, 246, and 533 of such Code was published in the FEDERAL REGISTER (24 F.R. 7103). After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, the regulations as so published are hereby adopted subject to the changes set forth below in paragraph 1. In addition, paragraph 2 below amends § 1.542 to reflect the amendment of section 542(c) of the Code by section 3 of the Act of September 23, 1959 (Public Law 86-376, 73 Stat. 700). Except as specifically provided otherwise, the regulations hereby prescribed are applicable for taxable years beginning after September 2, 1958.

Paragraph 1. Paragraphs (a) and (b) of § 1.1242-1, as set forth in paragraph 1 of the appendix to the notice of proposed rule making, are revised.

Par. 2. In § 1.542, paragraph (10) of section 542(c) and the historical note are deleted and other paragraphs substituted therefor.

Par. 3. Paragraph 8 of the appendix to the notice of proposed rule making is revised and renumbered paragraph 9 and a new paragraph 8 is added.

Because those changes made by this Treasury decision which are required by the amendment made by section 3 of the Act of September 23, 1959 (Public Law 86-376, 73 Stat. 700), merely reflect the

statutory change in section 542(c) of the Internal Revenue Code of 1954, it is hereby found that it is unnecessary, with respect to such changes, to issue this Treasury decision with notice and public procedure thereon under section 4(a) of the Administrative Procedure Act, approved June 11, 1946, or subject to the effective date limitation of section 4(c) of that Act.

DANA LATHAM. Commissioner of Internal Revenue.

'Approved: January 25, 1960.

FRED C. SCRIBNER, Jr., Acting Secretary of the Treasury.

PARAGRAPH 1. The following sections are inserted immediately after § 1.1241-

§ 1,1242 Statutory provisions; losses on

small business investment company stock.

SEC. 1242. Losses on small business investment company stock. If—

(1) A loss is on stock in a small business

investment company operating under the Small Business Investment Act of 1958, and

(2) Such loss would (but for this section) be a loss from the sale or exchange of a capital asset.

then such loss shall be treated as a loss from the sale or exchange of property which is not a capital asset. For purposes of section 172 (relating to the net operating loss deduction) any amount of loss treated by reason of this section as a loss from the sale or exchange of property which is not a capital asset shall be treated as attributable to a trade or business of the taxpayer.

Sec. 1242 as added by sec. 57, Technical Amendments Act 1958 (72 Stat. 1645)]

§ 1.1242-1 Losses on small business investment company stock.

(a) In general. Any taxpayer who sustains a loss for a taxable year beginning after September 2, 1958, as a result of the worthlessness, or from the sale or exchange, of the stock of a small business investment company (whether or not such stock was originally issued to such taxpayer) shall treat such loss as a loss from the sale or exchange of property which is not a capital asset, if at the time of such loss-

(1) The company which issued the stock is licensed to operate as a small business investment company pursuant to regulations promulgated by the Small Business Administration (13 CFR Part 107), and

(2) Such loss would, but for the provisions of section 1242, be a loss from the sale or exchange of a capital asset.

(b) Treatment of losses for purposes of section 172. For the purposes of section 172 (relating to the net operating loss deduction), any amount of loss treated by reason of section 1242 as a loss from the sale or exchange of property which is not a capital asset shall be treated as attributable to the trade or business of the taxpayer. Accordingly, the limitation of section 172(d) (4) on the allowance of nonbusiness deductions in computing a net operating loss shall not apply to any loss with respect to the stock of a small business investment company as described in paragraph (a) of this section. See section 172(d) and § 1.172-3.

(c) Statement to be filed with return. A taxpayer claiming a deduction for a loss on the stock of a small business investment company shall file with his income tax return a statement containing: The name and address of the small business investment company which issued the stock, the number of shares, basis, and selling price of the stock with respect to which the loss is claimed, the respective dates of purchase and sale of such stock, or the reason for is worthlessness and approximate date thereof. For the rules applicable in determining the worthlessness of securities, see section 165 and the regulations thereunder.

§ 1.1243 Statutory provisions; loss of small business investment company.

SEC. 1243. Loss of small business invest-ment company. In the case of a small busi-ness investment company operating under the Small Business Investment Act of 1958,

- (1) A loss is on convertible debentures (including stock received pursuant to the conversion privilege) acquired pursuant to section 304 of the Small Business Investment Act of 1958, and
- (2) Such loss would (but for this section) be a loss from the sale or exchange of a capital asset.

then such loss shall be treated as a loss from the sale or exchange of property which is not a capital asset.

[Sec. 1243 as added by sec. 57, Technical Amendments Act 1958 (72 Stat. 1645)]

§ 1.1243-1 Loss of small business investment company.

(a) In general. A small business investment company which sustains a loss for a taxable year beginning after September 2, 1958, as a result of the worthlessness, or on the sale or exchange, of the securities of a small business concern (as defined in section 103(5) of the Small Business Investment Act of 1958 (72 Stat. 689) and in 13 CFR 107.103-1) shall treat such loss as a loss from the sale or exchange of property which is not a capital asset if-

(1) The securities are either the convertible debentures, or the stock issued pursuant to the conversion privilege thereof, acquired in accordance with the provisions of section 304 of the Small Business Investment Act of 1958 (72 Stat. 693) and the regulations thereunder,

(2) Such loss would, but for the provisions of section 1243, be a loss from the sale or exchange of a capital asset, and

(3) At the time of the loss, the company is licensed to operate as a small business investment company pursuant to regulations promulgated by the Small Business Administration (13 CFR Part ~ 107).

(b) Material to be filed with return. A small business investment company which claims a deduction for a loss on the convertible debentures or stock of a small business concern shall submit with its income tax return a statement that it is a Federal licensee under the Small Business Investment Act of 1958. The statement shall also set forth: the name and address of the small business concern with respect to whose securities the loss was sustained, the number of

shares of stock or the number and denomination of bonds with respect to which the loss is claimed, the basis and selling price thereof, and the respective dates of purchase and sale of the securities, or the reason for their worthlessness and the approximate date thereof. For the rules applicable in determining the worthlessness of securities, see section 165 and the regulations thereunder.

PAR. 2. Section 1.243 is amended to read as follows:

§ 1.243 Statutory provisions; dividends received by corporations.

SEC. 243. Dividends received by corporations—(a) General rule. In the case of a corporation (other than a small business investment company operating under the Small Business Investment Act of 1958), there shall be allowed as a deduction an amount equal to 85 percent of the amount received as dividends (other than dividends described in paragraph (1) of section 244, relating to dividends on the preferred stock of a public utility) from a domestic corporation which is subject to taxation under this chapter.

(b) Small business investment companies. In the case of a small business investment company operating under the Small Business Investment Act of 1958, there shall be allowed as a deduction an amount equal to 100 percent of the amount received as dividends (other than dividends described in paragraph (1) of section 244, relating to dividends on preferred stock of a public utility) from a domestic corporation which is subject to taxation under this chanter.

(c) Special rules for certain distributions. For purposes of subsections (a) and (b)-

(1) Any amount allowed as a deduction under section 591 (relating to deduction for dividends paid by mutual savings banks, etc.) shall not be treated as a dividend.

(2) A dividend received from a regulated investment company shall be subject to the limitations prescribed in section 854.

[Sec. 243 as amended by sec. 57(b), Technical Amendments Act 1958 (72 Stat. 1645)]

§ 1.243-1 [Amendment]

Par. 3. Section 1.243-1 is revised as follows:

- (A) By striking out paragraph (a) and inserting in lieu thereof the following:
- (a) (1) A corporation is allowed a deduction under section 243 for dividends received from a domestic corporation which is subject to taxation under chapter 1 of the Internal Revenue Code of
- (2) Except as provided in section 243 (c) and in section 246, the deduction is:
- (i) For the taxable year, an amount equal to 85 percent of the dividends received from such domestic corporations during the taxable year (other than dividends to which subdivision (ii) of this subparagraph applies).
- (ii) For a taxable year beginning after September 2, 1958, an amount equal to 100 percent of the dividends received from such domestic corporations if at the time of receipt of such dividends the taxpayer corporation is a Federal licensee under the Small Business Investment Act of 1958. However, to claim the deduction provided by section 243(b) the company must file with its return a statement that it was a Federal licensee under the Small Business Investment Act of providing funds to small business con-

1958 at the time of the receipt of the dividends.

- (3) To determine the amount of the distribution to a recipient corporation and the amount of the dividend, see §§ 1.301-1 and 1.316-1.
- (B) By changing the first sentence of paragraph (b) to read as follows: "The deductions allowed by section 243 (a) and (b) shall be determined without regard to any dividends described in paragraph 41) of section 244 (relating to dividends on the preferred stock of a public utility)."

(C) By striking out "such deduction" in the second sentence of paragraph (b) and substituting "such deductions".

(D) By striking out "section 243(a)" at the end of the last sentence of paragraph (b) and inserting in lieu thereof "section 243 (a) or (b)".

§ 1.243-2 [Amendment]

PAR. 4. Section 1.243-2 is amended as follows:

(A) By striking out "section 243(a)" in paragraph (a) and substituting the words "section 243 (a) or (b)".

(B) By striking out "section 243(a)" in paragraph (b) and substituting the words "section 243 (a) or (b)".

§ 1.246 [Amendment]

Par. 5. In § 1.246, section 246(b) (1) is amended by striking out "243" each place it appears therein and inserting in lieu thereof "243(a)" and by inserting at the end of section 246 a historical note reading as follows:

[Sec. 246 as amended by sec. 57(c)(2), Technical Amendments Act 1958 (72 Stat. 1646)]

§ 1.246-2 [Amendment]

Par. 6. Section 1.246-2 is amended as follows:

(A) By striking out "243" in the first and second sentences of paragraph (a) and inserting in lieu thereof "243(a)".
(B) By striking out "243" in the sec-

ond and fourth sentences of paragraph (b) and inserting in lieu thereof "243 (a)".

Par. 7. Section 1.533-1 is amended by adding the following new paragraph at the end thereof:

§ 1.533-1 Evidence of purpose to avoid income tax.

(d) Small business investment companies. A corporation which is licensed to operate as a small business investment company under the Small Business Investment Act of 1958 (72 Stat. 689) and the regulations thereunder (13 CFR Part 107) will generally be considered to be a "mere holding or investment company" within the meaning of section 533(b). However, the presumption of the existence of the purpose to avoid income tax with respect to shareholders which results from the fact that such a company is a "mere holding or investment company" will be considered overcome so long as such company:

(1) Complies with all the provisions of the Small Business Investment Act of 1958 and the regulations thereunder: and

(2) Actively engages in the busines of

cerns through the purchase of convertible debenture bonds of such concerns or through the disbursement of long-term loans to such concerns (see sections 304 and 305 of the Small Business Investment Act of 1958).

On the other hand, if such a company violates or fails to comply with any of the provisions of the Small Business Investment Act of 1958 or the regulations thereunder or ceases to invest its funds actively in small business concerns as provided in subparagraph (2) of this paragraph, it will not be considered to have overcome the presumption by reason of any rules provided in this paragraph.

Par. 8. In § 1.542, paragraph (10) of section 542(c) and the historical note are deleted and there are substituted therefor the following:

§ 1.542 Statutory provisions; definition of personal holding company.

SEC. 542. Definition of personal holding company. * * *

(c) Exceptions. * * *

(10) A foreign corporation if—

- (A) Its gross income from sources within the United States for the period specified in section 861(a)(2)(B) is less than 50 percent of its total gross income from all sources, and
- (B) All of its stock outstanding during the last half of the taxable year is owned by nonresident allen individuals, whether directly or indirectly through other foreign corporations;

(11) A small business investment company which is licensed by the Small Business Administration and operating under the Small Business Investment Act of 1958 and which is actively engaged in the business of providing funds to small business concerns under that Act. This paragraph shall not apply if any shareholder of the small business investment company owns at any time during the taxable year directly or indirectly (including, in the case of an individual, ownership by the members of his family as defined in section 544(a) (2)) a 5 per centum or more proprietary interest in a small business concern to which funds are provided by the investment company or 5 per centum or more in value of the outstanding stock of such concern.

[Sec. 542 as amended by sec. 3, Act of Aug. 12, 1955 (Pub. Law 385, 84th Cong., 69 Stat. 718); sec. 3, Act of Sept. 23, 1959 (Pub. Law 86-376, 73 Stat. 700)]

PAR. 9. Pursuant to subsection (d) of section 57 of the Technical Amendments Act of 1958 (72 Stat. 1645), the regulations adopted by this Treasury decision under sections 1242 and 1243, and the amendments to the regulations under sections 243, 246, and 533 to conform such regulations to the changes made by the Technical Amendments Act of 1958 are made applicable to taxable years beginning after September 2, 1958. Pursuant to section 3(b) of the Act of September 23, 1959 (Public Law 86-376, 73 Stat. 700) the provisions of section 542 (c) (11) apply to taxable years beginning after December 31, 1958.

(Sec. 7805 I.R.C. 1954; 68A Stat. 917; 26 U.S.C. 7805)

[F.R. Doc. 60-855; Filed, Jan. 27, 1960; 8:52 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter II—Civil Aeronautics Board SUBCHAPTER B—ECONOMIC REGULATIONS [Reg. ER-293]

PART 221—CONSTRUCTION, PUBLI-CATION, FILING AND POSTING OF TARIFFS OF AIR CARRIERS AND FOREIGN AIR CARRIERS

Posting of Notices

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 25th day of January 1960.

Section 403 of the Federal Aviation Act of 1958 requires that tariffs be filed, posted and published in such form and manner, and contain such information as the Board shall by regulation prescribe. Subpart N of Part 221 of the Board's Economic Regulations governing the posting of tariffs publications for public inspection provides that a carrier will be deemed to have complied with the posting requirements, if it maintains at each station or ticket office a file in complete form of all tariff publications required to be posted.

Since notice to the public is the objective of the posting requirement of the Act, the Board believes that some effective means should be provided to publicize the fact that an air carrier's tariff publications are available for public inspection. Therefore, the Board issued a notice of proposed rule making, Docket 10823, dated September 1, 1959, which would require each carrier covered under Part 221 to display continuously in a conspicuous public place at each station or office at which tariffs are required to be posted, a notice-advising the public that all of the tariff publications which have been issued but are not yet effective and all the currently effective tariffs to which such carrier is a party are on file in that station or office. This notice would also advise the public that a complete file of the carriers' superseded tariffs is maintained and kept available for public inspection and where such files are so maintained.

Interested persons have been afforded an opportunity to participate in the making of this rule, and due consideration has been given to all relevant matter presented. Numerous comments were received in response to Docket 10823. Much of the comment received is, in fact, a criticism of the substantive requirements now contained in Subpart N of Part 221. It should be borne in mind that this proceeding is concerned only with the posting of a notice. Therefore, such objections are not comments with respect to which the Board can take any action within the scope of this proceeding.

The relevant comments, for the most part, objected to the proposed amendment on the grounds that it is unnecessary, that it would be costly, and that it

would invite the crank-type of inquiry or inquiry by the curious. A few carriers suggested that it would be more practical to have such a notice printed on the carriers' timetables, ticket envelopes or covers. The Board has given careful consideration to the need for this amendment and believes it to be consistent with the intent of section 403(a) of the Act and in the public interest to publicize the fact that a carrier's tariffs are open for inspection and where such tariffs may be found. The Board is not persuaded that the cost of such notices would be unreasonable and believes that what costs there might be are justified by the public benefits to be received. While the notice required in this regulation might occasionally invite inquiries by persons who have no real interest in a carrier's tariffs, this is unlikely to occur to an extent which would create a problem. Furthermore, the Board does not believe that placing the notice on the carriers' timetables, ticket envelopes or covers would operate as reasonable notice to the public since the extent to which carriers publish their timetables or use ticket envelopes or covers is a matter of discretion with the carriers. On balance, the Board believes that the advantages to the public which will result from this regulation far outweigh the anticipated disadvantages.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 221 of the Economic Regulations (14 CFR Part 221) effective March 28, 1960 as follows:

By adding a new § 221.173 to read as follows:

§ 221.173 Notice of tariff posting.

Each carrier shall cause to be displayed continuously in a conspicuous public place at each station or office at which tariffs are required to be posted, a notice printed in large type reading as follows:

All of the currently effective tariffs to which this company is a party and all the tariff publications which have been issued but are not yet effective are on file in this office. The tariffs may be inspected by any person upon request and without the assignment of any reason for such inspection. The employees of this company on duty in this office will lend assistance in securing information from the tariffs.

In addition, a complete file of this company's superseded tariffs; with indexes thereof, is maintained and kept available for public inspection at _______. (Here indicate the place or places where complete tariff files are maintained, including the street address, and where appropriate, the room number.)

(Sec. 204(a), 72 Stat. 743, 49 U.S.Č. 1324. Interpret or apply sec. 403, 72 Stat. 758, 49 U.S.C. 1373)

Effective: March 28, 1960. Adopted: January 25, 1960.

By the Civil Aeronautics Board.

[SEAL]

MABEL McCart, Acting Secretary.

[F.R. Doc. 60-859; Filed, Jan. 27, 1960; 8:52 a.m.]

RULES AND REGULATIONS

Chapter III—Federal Aviation Agency SUBCHAPTER E-AIR NAVIGATION REGULATIONS

[Reg. Docket No. 248; Amdt. 152]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Alterations

The new and revised standard instrument approach procedures appearing hereinafter are adopted to become effective and/or canceled when indicated in order to promote safety. The revised procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the revised procedures specify the complete procedure and indicate the changes to the existing procedures. Pursuant to authority delegated to me by the Administrator (24 F.R. 5662), I find that a situation exists requiring immediate action in the interest of safety, that notice and public procedure hereon are impracticable, and that good cause exists for making this amendment effective on less than thirty days' notice.

Part 609 (14 CFR Part 609) is amended as follows:

1. The low or medium frequency range procedures prescribed in § 609.100(a) are amended to read in part:

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

	Ceiling and visibility minimums						
	То	Course and distance.	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine,
From—					65 knots or less	More than 65 knots	more than 65 knots
Atlanta VOR Lost Mt. RBn McDonough VOR	ATL-LFR. Atlanta LFR. Atlanta LFR	DirectDirect	2100 2800 2200	T-dn C-dn S-dn-33 A-dn	300-1 400-1 400-1 800-2	300-1 500-1 400-1 800-2	200-1/2 500-11/2 400-1 800-2

Procedure turn E side SE crs, 144° Outbnd, 324° Inbnd, 2200′ within 10 mi.

Minimum altitude over facility on final approach crs, 1700′.

Crs and distance, facility to airport, 314–1.3.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1.3 miles, turn left, climb to 2200′ on SW crs Atlanta

LFR within 15 miles.

CAUTION: 1182′ tower ¾ mi W of airport.

Major Change: Deletes transition from Stone Mt. FM.

City, Atlanta; State, Ga.; Airport Name, Atlanta; Elev., 1024'; Fac. Class., SBRAZ; Ident., ATL; Procedure No. 1, Amdt. 13; Eff. Date, 20 Feb. 60; Sup. Amdt. No. 12; Dated, 9 Feb. 57

Procedure turn E side of S crs, 179° Outbnd, 359° Inbnd, 2000′ within 10 miles.

Minimum altitude over facility on final approach crs, 1500′ after a procedure turn is conducted.

Ors and distance, facility to airport, 356—1.8.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1.8 miles, climb to 2700′ on N crs MKE-LFR, or when directed by ATC, make left climbing turn, climb to 2500′ on W crs MKE-LFR within 20 miles.

Major change: Deletes Franksville FM transition.

City, Milwaukee; State, Wis.; Airport Name, Mitchell; Elev., 698'; Fac. Class., SBRAZ; Ident., MKE; Procedure No. 1, Amdt. 12; Eff. Date, 20 Feb. 60; Sup. Amdt. No. 11; Dated, 20 Oct. 59

2. The automatic direction finding procedures prescribed in § 609.100(b) are amended to read in part:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE -

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition			Ceiling	and visibili	ty minimum	s	
		Course and	Minimum		2-engine	or less	More than 2-engine,
From—	То	distance	altitude (feet)	Condition ,	65 knots or less	More than 65 knots	more than 65 knots
Atlanta LFR Atlanta VOR Fulton Int Chattahoochee Int Raymond Int	LOMLOMLOM (Final)LOM	Direct	, 2200 2200 2300 1600 2100	T-dn. C-dn. S-dn-9.	300-1 400-1 400-1 800-2	300-1 500-1 500-1 800-2	200-1/2 500-11/2 500-1 800-2

Radar terminal area transition altitudes: 0°-360° within 25 mi, 3000′; 070°-290° within 15 mi, 2200′.
All bearings are from radar site with sector azimuths progressing clockwise.
Procedure turn S side W crs. 268° Outbnd, 088° Inbnd, 2300′ within 10 miles.
Minimum altitude over LOM inbnd final, 1600′.
Crs and distance, LOM to airport, 088°-4.1 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.1 miles after passing LOM, climb to 2200′ on crs ° within 20 miles,
CAUTION: 1182′ tower ¾ mile W of airport;
Major Change: Deletes transition from Madras Int.

City, Atlanta; State, Ga.; Airport Name, Atlanta; Elev., 1024; Fac. Class., LOM; Ident., AT; Procedure No. 1, Amdt. 19; Eff. Datc, 20 Feb. 60; Sup. Amdt. No. 18 (ADF portion comb. ILS-ADF); Dated, 22 Apr. 58

ADF STANDARD INSTRUMENT APPROACH PROCEDURE-Continued

Transition				Celling and visibility minimums				
From—	То	_1	Course and distance	Minimum altitude	Condition		or less	More than 2-engine,
	-	distance	(feet)		65 knots or less	More than 65 knots	more than 65 knots	
BPT LFRBPT VOR	LOM LOM (Final)	1	Direct Direct	1400 1400 1000	T-dn C-dn S-dn-11 A-dn	300-1 400-1 400-1 800-2	300-1 500-1 400-1 800-2	200-1/2 500-1/2 400-1 800-2

Procedure turn S side NW crs, 293° Outland, 113° Inbnd, 1400' within 10 mi. Beyond 10 mi NA.

Minimum altitude over LOM' on final approach crs, 1000'.

Crs and distance, LOM to airport, 113°—4.8 mi.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.8 mi after passing LOM, climb to 1400' on crs of 113° within 20 miles or, when directed by ATC, (1) turn left and climb to 1400' on E crs BPT LFR, or (2) turn right, climb to 1400' on S crs BPT LFR within 20 miles.

City, Beaumont; State, Tex.; Airport Name, Jefferson County; Elev., 15'; Fac. Class., LOM; Ident., BP; Procedure No. 1, Amdt. 2; Eff. Date, 20 Feb. 60; Sup. Amdt. No. 1; Dated, 22 Nov. 58

Minneapolis LFR Minneapolis VOR Houlton Int Prior Int White Bear Int Elmo Int Stanton RBn Radar Transitions as directed by ATC	LOM LOM LOM LOM LOM	Direct	2500 2300 2200 2500 2300 2200	T-dn	500-1 400-1	300-1 500-1 400-1 800-2	200-1/2 500-11/2 400-1 800-2
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Procedure turn East side of crs, 115° Outbnd, 295° Inbnd, 2200′ within 10 miles.

Minimum altitude over facility on final approach crs, 1700′.

Crs and distance, facility to airport, 295° 4.0 mi.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.0 miles of LOM, climb to 2500′ on crs of 295° to Int.

R-221 MSP-VOR and NW ILS crs or, when directed by ATC:

1. Make left climbing turn, climb to 2500′ on crs of 241° within 22 miles,

2. Make left climbing turn, climb to 2200′ and return to LOM.

CAUTION: Tower 1223′ MSL 6 miles Southeast of Outer Marker (LOM-MS).

Major Change: Deletes Jordan, Lakeville, Cannon Falls and Hastings transitions.

City, Minneapolis; State, Minn.; Airport Name, Minneapolis-St. Paul International (Wold-Chamberlain); Elev., 840'; Fac. Class., LOM; Ident., MS; Procedure No. 1, Amdt. 2; Eff. Date, 20 Feb. 60; Sup. Amdt. No. 1; Dated, 2 Aug. 58

3. The instrument landing system procedures prescribed in § 609.400 are amended to read in part:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Cellings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an "approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
,	From— To—	Course and distance	Minimum altitude (feet)		2-engine or less		More than
From—				Condition	65 knots or less	More than 65 knots	2-engine, more than 65 knots
Atlanta LFR Atlanta VOR Fulton Int Chattahoochee Int Raymond Int	LOMLOMLOMLOMLOMLOMLOMLOMLOMLOMLOMLOMLOMLOM	Direct. Direct. Direct. Direct. Direct.	2200 2300	T-dn C-dn S-dn-9 A-dn	300-1 400-1 200-1/2 600-2	300-1 500-1 200-1/2 600-2	200-1/2 500-1/2 200-1/2 600-2

Radar terminal area transition altitudes: 0°-360° within 25 mi, 3000′; 070°-290° within 15 ml., 2200′.

All bearings are from radar site with sector azimuths progressing clockwise.

Procedure turn S side W crs, 268° Outhord, 088° Inbnd, 2300′ within 10 miles.

Minimum Altitude at G.S. int inbnd, 2300′.

Altitude of G.S. and distance to apprend of rny at OM 2324—4.1; at MM 1241—0.5.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 2200 on E crs ILS within 20 miles, CAUTION: 1182′ tower ¾ miles W of airport.

Major Change: Deletes transition from Madras Int.

*400—¾ required when glide slope not utilized.

City, Atlanta; State, Ga.; Airport Name, Atlanta; Elev., 1024'; Fac. Class., ILS; Ident., IATL; Procedure No. ILS-9, Amdt. 19; Eff. Date, 20 Feb. 60; Sup. Amdt. No. 18 (ILS portion comb. ILS-ADF); Dated, 22 Apr. 58

MKE-LFR Int N crs MKE LFR and S crs ILS Racine Int VHF	LOM	Direct Direct	2000 2000	T-dn C-dn	600-1	300-1 600-1	200-1/2 600-1/2
Cardinal Int VHF	LOM	Direct	2700 2500	L ILS	200-1⁄2 500-1	200-1⁄2 500-1	200-1/2 500-1
TITLE VOICE	,.	Direct	2000	A-dn:	·	,	
	, _			ILS	600-2 800-2	600-2 800-2	600-2 -800-2
	·	,		***********	000-2	000-2	

Procedure turn E side S crs, 186° Outbnd, 006° Inbnd, 2000′ within 10 mi.

Minimum altitude at glide slope int inbnd—2000′ ILS. Min. alt. over LOM inbnd final 1400′ ADF.

Altitude of glide slope and distance to approach end of runway at OM, 2035—4.1; at MM, 918—0.6.

If visual contact not established upon descent to authorized 'landing minimums or if landing not accomplished within 4.1 ml after passing LOM, climb to 2700′ on N crs

MKE-LFR within 20 mi, or when directed by ATC, make left climbing turn to 2300′ and intercept R-109 MKE and proceed to MKE-VOR.

Major Changes: Delete transitions from Franksville FM and Genesee FM.

City, Milwaukee; State, Wis.; Airport Name, General Mitchell; Elev.. 698'; Fac. Class, II.S-MKE; Ident., LOM-MK; Procedure No. ILS-1, Amdt. 11, comb. ILS-ADF; Eff. Date, 20 Feb. 60; Sup. Amdt. No. 10; Dated 20 Oct. 59

ILS STANDARD INSTRUMENT APPROACH PROCEDURE-Continued

Transition				Celling and visibility minimums			
-			Minimum	ude Condition	2-engine or less		More than
From—	То—	Course and distance	altitude (feet)		65 knots or less	More than 65 knots	2-engine, more than 65 knots
MSP-LFR. MSP-VOR. Stanton RBn via crs 360°- Houlton Int. Diamond Bluff Int ILS. Prior Int. White Bear Int. Elmo Int. Radar transitions as directed by ATC.	LOM	Direct	2200 2300 2200 2200 2500 2300	T-dn C-dn S-dn-29L A-dn	300-1 500-1 200-1/2 600-2	300-1 500-1 200-1/2 600-2	• 200-1/2 500-1/2 200-1/2 600-2

Procedure turn E side SE crs, 115° Outbnd, 295° Inbnd, 2200' within 10 mi.

Minimum altitude at glide slope int inbnd, 2200'.

Altitude of glide slope and distance to approach end of runway at OM, 2084—4.0; at MM, 1038—0.5.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 2500' on NW crs ILS to Int R-221 MSP-VOR an NW ILS crs or, when directed by ATC, (1) Make left climbing turn, climb to 2500' on crs of 241° within 22 miles, (2) Make left climbing turn, climb to 2200' and return to LOM. CAUTION: Tower 1223' MSL6 mi SE of Outer Marker (LOM-MS).

Major Changes: Deletes transitions from Hastings FM, Jordon FM, Cannon Falls Int, and Lakeville Int.

City, Minneapolis; State, Minn.; Airport Name, Minneapolis-St. Paul International (Wold Chamberlain Field); Elev., 840'; Fac. Class., ILS; Ident., MSP; Procedure No. ILS-29L, Amdt. 12; Eff. Date, 20 Feb. 60; Sup. Amdt. No. 11; Dated, 21 June 58

These procedures shall become effective on the dates indicated on the procedures. (Secs. 313(a), 307(c), 72 Stat. 752, 749; 49 U.S.C. 1354(a), 1348(c))

Issued in Washington, D.C., on January 19, 1960.

B. PUTNAM. Acting Director, Bureau of Flight Standards.

[F.R. Doc. 60-733; Filed, Jan. 27, 1960; 8:45 a.m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE TREASURY

Internal Revenue Service I 26 CFR (1954) Part 301 J

NOTICE OF HEARING ON PROPOSED REGULATIONS

Proposed regulations under section 7701 of the Internal Revenue Code of 1954, relating to the definition of association, partnership, etc., were published in the FEDERAL REGISTER for December 23, 1959.

A public hearing on these proposed regulations will be held on Thursday, February 25, 1960, at 10:00 a.m., e.s.t., in Room 3313, Internal Revenue Building, 12th and Constitution Avenue NW., Washington, D.C. Persons who plan to attend the hearing are requested to so notify the Commissioner of Internal Revenue. Attention: T:P, Washington 25, D.C., by February 23, 1960.

[SEAL]

MAURICE LEWIS, Director,

Technical Planning Division, Internal Revenue Service.

[F.R. Doc. 60-831; Filed, Jan. 27, 1960; 8:48 a.m.1

DEPARTMENT OF HEALTH, EDU-CATION, AND WELFARE

Food and Drug Administration [21 CFR Part 121] FOOD ADDITIVES

Notice of Filing of Petition

In re: Notice of filing of petition for issuance of regulation establishing a tolerance for distilled acetylated monoglycerides of edible fats in nonstandardized foods.

Pursuant to the provisions of the Federal Food, Drug and Cosmetic Act (sec. 72 Stat. 1786; 21 U.S.C. 409(b)(5). 348(b)(5)), the following notice is isued:

A petition has been filed by Distillation Products Industries, Division of Eastman Kodak Company, Rochester 3, New York, proposing the issuance of a regulation to establish a tolerance of 5 percent by weight of distilled acetylated monoglycerides of edible fats in or on nonstandardized foods.

Dated: January 22, 1960.

[SEAL]

JOHN L. HARVEY, Deputy Commissioner of Food and Drugs.

[F.R. Doc. 60-853; Filed, Jan. 27, 1960; 8:51 a.m.l

[21 CFR Part 121] FOOD ADDITIVES

Notice of Filing of Petition

In re: Notice of filing of petition for issuance of regulation establishing a tolerance for polyvinylpyrrolidone in

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b) (5)), the following notice is issued:

A petition has been filed by Antara Chemicals, Division of General Aniline and Film Corporation, 435 Hudson Street, New York 14, New York, proposing the issuance of a regulation to establish a tolerance of 200 parts per million (0.02 percent) of polyvinylpyrrolidone in vinegar.

Dated: January 22, 1960.

[SEAL] JOHN L. HARVEY.

Deputy Commissioner of Food and Drugs.

[F.R. Doc. 60-854; Filed, Jan. 27, 1960; 8:51 a.m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management ALASKA

Notice of Termination of Proposed Withdrawal and Reservation of Lands

JANUARY 6, 1960.

Notice of an application Serial No. Anchorage 046705, for withdrawal and reservation of lands was published as Federal Register Document No. 59-2056 on page 1755 of the issue for March 11. 1959. The applicant agency has canceled its application in its entirety and involving the lands described below. Therefore, pursuant to the regulations contained in 43 CFR Part 295, such lands will be at 10:00 a.m. on February 8, 1960, relieved of the segregative effect of the above-mentioned application.

The lands involved, in this notice of termination are:

BIRD CREEK AREA

TRACT A

A parcel of land situated 30 miles southeast of the Townsite of Anchorage, Third Judicial Division, State of Alaska, more specifically described as follows:

Beginning at a point identical with the intersection of latitude 60°59′17″ N., and longitude 149°25′ W.; thence S. 33°37′08″ W. 1442.3 feet; thence W. 2450.0 feet;

thence N. 2700.0 feet;

thence N. 53,°22'34" E. 1929.5 feet;

thence E. 1700.0 feet to a point on Longitude 149° 25' W;

thence S. 2650.0 feet to the point of beginning.

Containing 255.78 acres, more or less.

L. T. MAIN. Operations Supervisor.

[F.R. Doc. 60-820; Filed, Jan. 27, 1960; 8:46 a.m.]

ALASKA

Notice of Termination of Proposed Withdrawal and Reservation of Lands

JANUARY 6, 1960.

Notice of an application Serial No. Anchorage 046584 for withdrawal and reservation of lands was published as Federal Řegister Document No. 59–7829 on page 7587 of the issue for September 19, 1959. The applicant agency has canceled its application in its entirety and involving the lands described below. Therefore, pursuant to the regulations contained in 43 CFR Part 295, such lands will be at 10:00 a.m. on February 8, 1960, relieved of the segregative effect of the above-mentioned application.

The lands involved in this notice of termination are:

TRACT A

A parcel of land situated within sections 16, 21 and 22, T. 14 N., R. 1 W., S.M., more particularly described as follows:

articularly described as follows:
Sec. 16: NE4/SE4/, SE4/SE4/, SE4/SE4/,
SW4/SE4/SE4/, SE4/NW4/SE4/SE4/;
Sec. 21: NE4/NE4/, NW4/NE4/, NW4/NE4/, SE4/NE4/NE4/, NW4/NE4/, SE4/NE4/, SE4/NE4/NE4/, NW/NE4/NE4/, SE4/NE4/, NW/NE4/NE4/, NW/NW4/, NW/NW/, NW/SW4/NE4/, SE6/, 22: NM/NW4/, NM/NM/NM/SM/NW4/, Total Reprod 1 Tract A 1813 Secret Total Parcel 1, Tract A-161.25 acres.

T. 14 N., R. 1 W., S.M., Sec. 15: N1/2 SE1/4 NE1/4 SW1/4 NW1/4.

Containing 1.25 acres more or less.

L. T. MAIN. Operations Supervisor.

[F.R. Doc. 60-821; Filed, Jan. 27, 1960; 8:46 a.m.]

ALASKA

Notice of Termination of Proposed Withdrawal and Reservation of Lands '

JANUARY 6, 1960.

Notice of an application Serial No. Anchorage 047379, for withdrawal and reservation of lands was published as Federal Register Document No. 59-7831 on page 7588 of the issue for September 19, 1959. The applicant agency has canceled-its application in its entirety and involving the lands described below. Therefore, pursuant to the regulations contained in 43 CFR Part 295, such lands will be at 10:00 a.m. on February 8, 1960, relieved of the segregative effect of the above-mentioned application.

The lands involved in this notice of termination are:

EKLUTNA AIR FORCE STATION

TRACT A

(Parcel No. 1)

T. 16 N., R. 1 E., S.M., Sec. 27: S½S½NW¼, SW¼; Sec. 28: S½SE¼NE¼, SE¼SW¼NE¼, E½ SE14; E1/2W1/2SE14.

(Parcel No. 2)

T. 16 N., R. 1 E., S.M., Sec. 20: NW 1/4 SW 1/4 SE 1/4.

Containing 10 acres; aggregating 360 acres.

L. T. MAIN, Operations Supervisor.

[F.R. Doc. 60-822; Filed, Jan. 27, 1960; 8:46 a.m.]

ALASKA

Notice of Termination of Proposed Withdrawal and Reservation of Lands

JANUARY 6, 1960.

Notice of an application Serial No. Anchorage 047062, for withdrawal and Anchorage 044493, for withdrawal and

reservation of lands was published as Federal Register Document No. 59-7830 on page 7587 of the issue for September 19, 1959. The applicant agency has canceled its application in its entirety and involving the lands described below. Therefore, pursuant to the regulations contained in 43 CFR Part 295, such lands will be at 10:00 a.m. on February 8, 1960, relieved of the segregative effect of the above-mentioned application.

The lands involved in this notice of termination are:

GIRDWOOD MISSILE ANNEX

TRACT A

Parcel No. 1

A parcel of land located approximately 11/2 miles northeast of Girdwood Townsite, Third Judicial Division, State of Alaska, more

specifically described as follows:
Commencing at Corner No. 1 of U.S. Survey
No. 3044, the Point of Beginning for this Description;

thence N. 56°35' E., 1,505.66 feet to Corner

No. 9 of said Survey; thence N. 23°36' W., 82.50 feet to Corner

No. 8 of said Survey; thence N. 66°24' E., 198.00 feet to Corner

No. 7 of said Survey; thence N. 64°56' E., 396.00 feet to Corner No. 6 of said Survey;

thence S. 41° E., 2,800 feet to a point; thence S. 49°10'08" W., 3,715.92 feet to a

point; thence N. 51° W., 2,700 feet to Corner No. 6

of U.S. Survey No. 3043; thence N. 36°01' E., 2175.69 feet to Cor-ner No. 5 of said Survey identical with Corner No. 1 of U.S. Survey No. 3044, the Point of Beginning for Description.

Containing 269.01 acres, more or less.

Parcel No. 2

A parcel of land located approximately 2 miles East of Girdwood. Townsite, Third Judicial Division, State of Alaska, more specifically described as follows:

Commencing at a point at latitude 60°55' 58.55" N., longitude 149°07'04.21" W., 1927 N.A.D., the Point of Beginning for this Description,

thence North 150 feet; thence East 250 feet; thence South 250 feet;

thence West 250 feet:

thence North 100 feet to the Point of Beginning. Containing 1.43 acres, more or less.

> L. T. MAIN, Operations Supervisor.

[F.R. Doc. 60-823; Filed, Jan. 27, 1960; 8:46 a.m.]

ALASKA

Notice of Termination of Proposed Withdrawal and Reservation of Lands

JANUARY 6, 1960.

Notice of an application Serial No.

reservation of lands was published as Federal Register Document No. 58-6719 on page 6456 of the issue for August 21. The applicant agency has canceled its application in its entirety and involving the lands described below. Therefore, pursuant to the regulations contained in 43 CFR Part 295, such lands will be at 10:00 a.m. on February 8, 1960, relieved of the segregative effect of the above-mentioned application.

The lands involved in this notice of termination are:

PIONEER PEAK AREA

Commencing at a point which bears N. 16° W., 4,000 feet, more or less, from U.S.C. & G.S. "Ledge" near the south bank of the Knik River (latitude 61°28′26.875″ N., longitude 148°52′32.486″ W.) said Point of Beginning being at the mean high water line on the south side of said Knik River;

thence S. 45°00' W., 5,000 feet more or less:

thence N. 45°00' W., 6,000 feet more or less:

thence N. 45°00' E., 4,500 feet more or less, to a point on the mean high water line on south side of said river;

thence following said mean high water line 6,926 feet more or less, in a southeasterly direction to the point of beginning.

Containing 749 acres, more or less.

L. T. MAIN, Operations Supervisor.

[F.R. Doc. 60-824; Filed, Jan. 27, 1960; 8:47 a.m.]

[Los Angeles 0158167 etc.]

CALIFORNIA

Agricultural Classification

Pursuant to the decision in Florence Irene Montalbano et al., Los Angeles 0158167 etc., approved by the Department January 14, 1960, all of the public lands in the following described townships were classified as unsuitable for agricultural entry under the public land laws:

MOUNT DIABLO MERIDIAN

T. 28 S., R. 40 E.

T. 28 S., R. 41 E.

T. 28 S., R. 42 E.

SAN BERNARDINO MERIDIAN

T. 5 N., R. 1 E.

T. 5 N., R. 4 E. T. 7 N., R. 7 W.

T. 8 N., R. 7 W. T. 9 N., R. 1 E.

T. 12 N., R. 7 E.

T. 1 S., R. 20 E.

T. 1 S., R. 21 E.

T. 2 S., R. 21 E. T. 3 S., R. 21 E.

T. 3 S., R. 22 E.

T. 5 S., R. 15 E. T. 8 S., R. 12 E.

The classification is effective January 14, 1960, the date the decision was approved by the Department. The classification is based on investigations and studies of the lands involved wherein it has been determined that water of a proper quality or of sufficient quantity as would be required for irrigated crop production is not available and because irrigation development of certain of the lands is not feasible by any practical means. The decision states that all pending agricultural applications for any of the above described lands are rejected, and, until further notice, any such application which may be hereafter submitted for any of the public lands involved will not be accepted for filing but will be returned to the applicant, accompanied by a notice stating that the lands have been classified as unsuitable for further agricultural entry and that no right of appeal lies from the refusal to accept the application for filing.

> EARL J. THOMAS, Acting Director.

JANUARY 22, 1960.

[F.R. Doc. '60-825; Filed, Jan. 27, 1960; 8:47 a.m.]

[Serial Nos. Blackfoot 055669, 056248; Idaho 04737, 05658, 05689, 06725, 06802, 06905, 07947, 08036, 08224]

IDAHO

Order Providing for Opening of Public Lands

JANUARY 20, 1960.

In an exchange of lands made under the provisions of Section 8 of the Act of June 28, 1934, as amended, the following described lands have been reconveyed to the United States:

Boise Meridian, Idaho

T. 6 S., R. 8 E.

Sec. 7, SE14SE14.

Location. Owyhee County, about 8 miles westerly from Hammett. T. 3 S., R. 9 E.,

Sec. 32, Lots 2, 3, W1/2NE1/4, E1/2NW1/4, NE'₄SW'₄, NW'₄SE'₄.

Location. Elmore County, about 12 miles

northerly from Hammett.

T. 13 S., Ř. 13 E.,

Sec. 30, $W_{2}E_{2}$, $E_{2}W_{2}$.

T. 14 S., R. 13 E., Sec. 5, Lots 3, 4, S½ NW¼, SW¼; Sec. 7, Lot 1.

Location. Twin Falls County, about 33 miles westerly from Rogerson.

T. 18 N., R. 23 E.,

Sec. 31, SW 1/4 SE 1/4.
Location. Lemhi County, about 25 miles south-southeast of Salmon.

T. 10 S., R. 26 E., Sec. 18, SE'4SW'4, SW'4SE'4.

Location. Cassia County, about 9 miles northeast of Delco. T. 3 N., R. 27 E.,

Sec. 3, Lots 3, 4, S1/2 NE1/4, S1/2 NW1/4,

N½SE¼.
Location. Butte County, about 4 miles southeasterly from Arco.

T. 7 S., R. 28 E., Sec. 25, W 1/2 NW 1/4;

Sec. 26, SE¼NE¼, NE¼SE¼, S½SE¼; Sec. 34, S½NE¼, SE½; Sec. 35, NE1/4, S1/2 NW1/4, N1/2 SW1/4, N1/2 SE14.

Location. Power and Blaine counties, between Minidoka and American Falls. T. 3 S., R. 28 E.,

Sec. 28, E1/2 E1/2, NW1/4 NE1/4, NW1/4, NW1/4

SW1/4; Sec. 29, E1/2 NE1/4; SW1/4 NE1/4, SE1/4 SW1/4, N1/2 SE1/4, SW1/4 SE1/4;

Sec. 33, E1/2 E1/2. Location. Power and Blaine counties, between Minidoka and American Falls.

T. 1 S., R. 30 E., Sec. 4, SW 1/4 SE 1/4;

Sec. 9, NW1/4 NE1/4, S1/2 NE1/4, SE1/4 NW1/4, NE14SW14, N1/2SE14.

Location. Butte County, about 26 miles southeast of Arco. T. 14 S., R. 34 E.,

Sec. 21, NW/SE/4.
Location. Oneida County, about 13 miles southwest of Malad. T. 10 N., R. 36 E.,

Sec. 14, SW 1/4 NW 1/4;

Sec. 15, SE'4NE'4, NE'4SE'4.

Location. Clark County, about 2 miles northeast of Dubois.

T. 7 S., R. 38 E., Sec. 29, SE1/4 NE1/4.

Location. Caribou County about 10 miles northwest of Bancroft.

Within the above-described areas are

3,737.46 acres of public lands.
The lands involved are scattered throughout southern Idaho. Elevation varies from 2625 feet to excess of 6000. The topography varies from nearly level to rough with some deep draws. The soil is generally a fine sand to silty loam, with some rock out crops. The vegetation is typical of the dry grazing land in southern Idaho, consisting of sagebrush, cheatgrass, and some bunch grasses. The lands are considered to be chiefly valuable for grazing of livestock.

No application for these lands will be allowed under the homestead, desert land, small tract, or any other nonmineral public land law, unless the lands have already been classified as valuable, or suitable for such type of application, or shall be so classified upon consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

Subject to any existing valid rights and the requirements of applicable law, the lands described in paragraph two hereof, are hereby opened to filing of applications, selections, and locations in accordance with the following:

a. Applications and selections under the nonmineral public land laws and applications and offers under the mineral leasing laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications, selections, and offers will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications and selections under the nonmineral public land laws, and applications and offers under the mineral leasing laws, presented prior to 10:00 a.m., on February 25, 1960, will be considered as simultaneously filed at that hour. Rights under such applications and selections and offers filed after that hour will be governed by the time of filing.

b. The lands will be open to location under the United States mining laws.

beginning 10:00 a.m., on February 25, 1960.

Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

Inquiries concerning these lands shall be addressed to the Manager, Land Office, Bureau of Land Management, P.O. Box 2237, Boise, Idaho.

> MICHAEL T. SOLAN, Acting State Supervisor.

[F.R. Doc. 60-826; Filed, Jan. 27, 1960; 8:47 a.m.]

NEVADA

Notice of Proposed Withdrawal and Reservation of Lands

JANUARY 20, 1960.

The United States Atomic Energy Commission has filed an application, Serial No. Nevada-050936, for the withdrawal of the lands described below, from all forms of appropriation, including the mining and mineral leasing laws. The lands are presently withdrawn from all forms of appropriation, including the mining and mineral leasing laws, by the Department of Air Force under Executive Order 8578 of October 29, 1940, as modified by Executive Order 9019 of January 12, 1942. The applicant desires the land for establishment of test facilities, roads, utilities and safety distances necessary in connection with the programs of the Atomic Energy Commission. These lands will be an addition to the existing Atomic Energy Commission Nevada Test Site which was withdrawn by Public Land Order 805 of February 12, 1952.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, P.O. Box 1551, Reno, Nevada.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the Federal Register. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

MOUNT DIABLO MERIDIAN, NEVADA

Beginning at the southwest corner of Atomic Energy Commission installation known as the Nevada Test Site, said corner being latitude 36°40'22.391", longitude 116°13′27.751′′;

Thence west a distance of 20,346.77 feet to the intersection of the east boundary of T. 15 S., R. 50 E., said point being latitude 36°40'23.246'', longisaid point tude 116°17'37.466";

Thence S. 00°14'41" E., a distance of 1,002.93 feet to the southeast corner of Section 1, T. 15 S., R. 50 E., said corner being latitude 36°40'13.330", longi-

tude 116°17'37.461''; Thence S. 89°50'13'' W., a distance of 31,653.48 feet to the corner of Sections 1, 6, 7, and 12, T. 15 S., Rs. 49 and 50 E., said corner being latitude 36°40′13.707″ longitude 116°24'05.936";

Thence S. 89°50'13" W., a distance of

Thence S. 89°50′13′′ W., a distance of 13,198.10 feet to the quarter corner of Sections 3 and 10, T. 15 S., R. 49 E., said point being latitude 36°40′13.666′′, longitude 116°26′47.915′′;

Thence N. 00°09′22′′ W., a distance of 5,279.65 feet to the quarter corner of Sections 3 and 34, Tps. 14 and 15 S., R. 49 E., said corner being latitude 36°41′05.866′′, longitude 116°26′47.943′′;

Thence N. 00°08′35′′ W., a distance of 31.685.80 feet to the quarter corner of

31,685.80 feet to the quarter corner of Sections 3 and 34, Tps. 13 and 14 S., B. 49 E., said corner being latitude 36°46'19.140'', longitude 116°26'48.021" Thence north a distance of 175,561.26 feet to a point being latitude 37°15′14.808″, longitude 116°26′43.001″;

Thence east a distance of 65,287,43 feet to the northwest corner of Nevada Test Site, said point being latitude 37°15'12.534", longitude 116°13'15.615";

Thence south a distance of 211,419.08 feet to the southwest corner of the Nevada Test Site, the point of beginning.

The area as described contains approximately 317,920 acres.

> E. J. PALMER. State Supervisor.

[F.R. Doc. 60-827; Filed, Jan. 27, 1960; ·8:47 a.m.]

Office of the Secretary

[Order 2508, Amdt. 35]

BUREAU OF INDIAN AFFAIRS **Delegation of Authority**

Section 30 of Order 2508, as amended (20 F.R. 3834, 5106; 21 F.R. 7027, 7655; 24 F.R. 272), is further amended by the addition of a new subparagraph to read as follows:

SEC. 30. Authority under specific acts.
(a) * * *

(12) Sec. 5, Act of September 2, 1958 (Pub. Law 85-915; 72 Stat. 1762).

> ELMER F. BENNETT, Acting Secretary of the Interior.

JANUARY 20, 1960.

F.R. Doc. 60-829; Filed, Jan. 27, 1960; 8:48 a.m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

[Docket No. 869]

PACIFIC COAST-HAWAII AND AT-LANTIC/GULF-HAWAII GENERAL **INCREASES IN RATES**

Notice of Supplemental Orders

Notice is hereby given that the Federal Maritime Board has entered, on the dates indicated, the following Seventeenth, Eighteenth, and Nineteenth Supplemental Orders to the original order in this proceeding, dated September 10, 1959, which appeared in the FEDERAL REGISTER of September 23, 1959 (24 F.R.

Seventeenth supplemental order, dated December 30, 1959

It appearing that on November 30; 1959, by Tenth Supplemental Order herein, the Board expanded this proceeding to include investigation into the reasonableness and lawfulness of rate increases filed by Hawaiian Marine Freightways, Inc., in its Container Freight Tariff No. 5, F.M.B.-F. No. 5, and increases filed by Consolidated Freightways, Inc., in its Container Freight Tariff No. 1, F.M.B.-F. No. 2, and permitted said rate increases to become effective on December 7, 1959; and

It further appearing that said Order provides in part that no change should be made in the rates, charges, regulations and practices stated in said schedules until the investigation instituted thereby had been terminated by final order of the Board, unless otherwise authorized by special permission of the Board; and

It further appearing that on December 10, 1959, Consolidated Freightways, Inc., filed Special Permission No. 2, seeking authority to publish, post and file, on thirty days' notice, numerous consecutively numbered revised pages to Local and Joint Container Freight Tariff No. 1, F.M.B.-F. No. 2, in order to make the following changes therein:

(1) Amend Rule 195, Split Pickup or Split Delivery (Page 24) by changing the wording in the second paragraph to read as follows:

Shipments weighing 10,000 pounds or more may either be picked up at two but not more than three points of origin or delivered at two but not more than three points of destination, provided that such service is ordered by the shipper at the time shipment is booked with carrier and shipping document is so endorsed. Either split pickup or split delivery is subject to the additional charges calculated separately and assessed on the weight of each portion as follows:

- (2) Increase the 4th class rate named in Section 1 (Page 30) applicable on shipments weighing over 0, but not over 500 pounds, between San Francisco Bay Port Zone 1 and Hawaiian Zone D. The rate to be named will be 597 cents per 100 pounds.
- (3) Increase the C.L. 20,000 pounds minimum weight commodity rate named in Item No. 190 (Page 60) applicable between San Francisco Bay port area Zone C.F.S. and Hawaiian Port Area Zone A. The rate to be named will be 329 cents per 100 pounds.
- (4) Reduce the Column D commodity rate named in Item No. 480 (Page 87). The rate to be named will be 380 cents per 100 pounds.
- (5) Amend Item No. 531 by adding the words "(other than fresh)" immediately following the first pineapple commodity description.
- (6) Amend Item No. 530 (Page 88) as follows:
- a. Eliminate the words "in cartons".
- b. Cancel the 20,000 pounds minimum weight and rates named under Column A

and C applicable in connection with such minimum weight.

. c. Establish an 18,000 pound minimum weight and name rates applicable in connection with such minimum weight as follows:

Column A Column B Column C 1(2)277 ‡(2)260 267 ‡(1)272 ‡(1)255

(1) Applies only from Hawaiian Zone A. (2) Applies only from Hawaiian Zones B and C.

‡ Subject to Rule 84.

All rates in cents per 100 pounds.

- (7) Establish a rule to be designated Rule 84-Container Load-Minimum Charge with reference that the provisions of such rule apply only where reference is made thereto. Such rule will provide that:
- (a) Carrier will furnish containers of not less than 1,200 cubic feet of loading space each. Each container so furnished and loaded to capacity will be subject to a minimum charge based on the minimum weight and rate shown.

(b) The container shall be considered as loaded to capacity when no more of the same kind of freight can be properly stowed

(c) Any portion of the shipment which does not load a container to capacity will be charged for as though it were a separate shipment.

It further appearing that the Board having found good cause therefor has on December 30, 1959, granted special permission to publish such changes on not less than 30 days' notice under Special Permission No. 3802; such special permission to be without prejudice to the right of the Board to suspend such schedule within the notice period, either upon receipt of protest thereto or upon its own motion;

It is ordered, That the Original Order herein is modified to the extent necessary to permit the publication and filing of the changes covered by such Special Permission No. 3802; and

It is further ordered, That the rates, charges, regulations and practices set forth in the schedule filed pursuant to such special permission shall be subject to the investigation and hearing herein to the same extent as the rates, charges, regulations and practices under schedules cancelled thereby, and that the special permission granted hereby shall be without prejudice to the Board's determination as to the lawfulness of the rates established pursuant hereto; and

It is further ordered, That copies of this Order shall be filed with said tariff schedules in the Office of the Federal

Maritime Board; and

It is further ordered, That a copy of this Order shall be forthwith served upon all respondents herein, and upon all protestants herein; and that this order be published in the FEDERAL REGISTER.

Eighteenth supplemental order, dated January 7, 1960

It appearing that by original Order dated September 10, 1959, Fourth Supplemental Order dated October 12, 1959, and Tenth Supplemental Order dated November 30, 1959, the Board instituted an investigation into the reasonableness and lawfulness of certain tariff schedules of respondent carriers; and

It further appearing that each of said orders contains a provision stating that no change shall be made in the rates, charges, regulations, and practices stated in said schedules until this investigation has been terminated by final order of the Board, unless otherwise authorized by special permission of the Board;

It is ordered, That the sixth paragraph in the Original Order dated September 10, 1959, the eighth paragraph in Fourth Supplemental Order dated October 12, 1959, and the eleventh paragraph in Tenth Supplemental Order dated November 30, 1959, are each hereby modified to read as follows:

It is further ordered, That no change shall be made in rates or other matters which were changed by said tariff schedules, until this investigation has been terminated by final order of the Board, unless otherwise authorized by special permission of the Board; and;

It is further ordered, That said orders as so modified remain in full force and effect as issued; and

It is further ordered, That a copy of this order shall be forthwith served upon all respondents and protestants herein; and that this order be published in the FEDERAL REGISTER.

Nineteenth supplemental order, Dated January 15, 1960

It appearing that, by the Original Order in Docket No. 869 served September 11, 1959, the Board instituted an investigation into and concerning the reasonableness and lawfulness of the rates, charges, regulations, and practices stated in certain schedules between Pacific Coast ports and Hawaii as well as from Hawaii to North Atlantic ports, effective September 14, 1959; and

It further appearing that said Original Order, as amended January 7, 1960, provides in part that no change shall be made in rates or other matters which were changed by said tariff schedules, until this investigation has been terminated by final order of the Board, unless otherwise authorized by special permission of the Board: and

It further appearing, that on December 22, 1959, Matson Navigation Company filed Special Permission Application No. 52 seeking authority to file certain consecutively numbered pages F.M.B.-F. No. 97 and F.M.B.-F. No. 106 upon 30 days' notice in order to make the following changes thereto:

I. APPLICATION TO CHANGE RATES, CHARGES AND REGULATIONS

A. Changes in rates to correct typographical errors in Container Freight Tariff No. 11, F.M.B.-F. No. 97.

(1) Amend rates named in Item 395 published on First Revised Page 70, between San Francisco Bay Port Area Zone 5 and Honolulu Port Area Zones A and B on quantities of 500 pounds to \$2.16 and \$2.18 respectively.

(2) Amend rates named in Item 405, published on First Revised Page 71, between San Francisco Bay Port Area Zone 5 and Honolulu Port Area Zones A and B on quantities of 500 pounds to \$2.16 and \$2.18 respectively.

(3) Amend rates named in Item 241, published on First Revised Page 55, applying between San Francisco Bay Port Area Container Freight Stations and Honolulu Port Area Zones A, B, and C to \$2.35, \$2.38, and \$2.42 respectively.

B. Changes in Commodity Descriptions in Container Freight Tariff No. 11, F.M.B.-F. No.

- (1) Amend the exception ratings applicable to plastic materials and articles as published on Second Revised Page 9 to read 'Plastic materials and articles as described in the Western Classification, other than liquid."
- (2) Amend the commodity description applicable to Items 285 and 290 published on First Revised Page 60 to read as follows: "Spaghetti, macaroni, noodles, or vermacelli in separate packages or in combined packages with or without cheese or sauce; Pizza mix consisting of flour, yeast and sauce with or without cheese, in combined packages.

C. Changes in Commodity Descriptions in Container Freight Tariff No. 11, F.M.B.-F. No. 97 and Freight Tariff No. 13, F.M.B.-F. No. 106.

(1) Amend the Generic commodity descriptions published in Item 321 Fifth Revised Page 63, F.M.B.-F. No. 97 and Item 5, Original Page 14, F.M.B.-F. No. 106 as

(a) Delete "Mixes in packages N.O.S., viz: Pie or Pie Crust, N.O.S., Hot Roll, Prepared Flour N.O.S., Biscuit, Pancake", from Item 321, Container Tariff No. 11 and Item 5,

Tariff No. 13 respectively.

(b) Delete "Flour in packages, N.O.S." from Items No. 321 and No. 5 and republished in Items No. 525 and No. 530, Tariff No. 11 and Item No. 150, Tariff No. 13.

(c) Amend the description applicable to "Sandwich spreads, N.O.S., including cheese spread", to read "Sandwich spread, N.O.S., including cheese spread and peanut spread."

(d) Add a new commodity description "Frosting mixes, prepared in packages" to both Items No. 321, Tariff No. 11, and No. 5, Tariff No. 13:

(2) Cancel Items No. 515 and No. 520 as published on Original Page 73-D of Container Freight Tariff No. 11. Republish rates applicable to Cake Mixes in Packages in Items No. 525 and No. 530. Include Frosting mixes in Item No. 321 as discussed in sub-paragraph (1) herein.

(3) Amend Items 525 and 530 now published on original page 73-D, Tariff No. 11 to provide for inclusion of Cake, Pie, Biscuit, Muffin, Roll, Pancake and Waffle Mixes as well as prepared flour in sacks or packages. Also add Corn Meal, Hominy Grits and Pearled Barley to Items No. 525 and No. 530. Said commodity descriptions to read as follows:

Item 525:

Flour, grain, including blends with other flours or corn meal,

Flour, prepared, with or without Fruit. including following Mixes: Cake, Cookie, Pie, Pie Crust, Biscuit, Muffin, Rolls, Pancake and Waffle.

Corn meal. Hominy grits. Pearled barley.

Make similar changes in Freight Tariff No. 13. The revision in Tariff No. 13 to be made in identical form.

(4) Amend the commodity description amend in Items 115 and 120 of Tariff No. 11 to provide for the inclusion of cigarette paper in books or wrappers in boxes. The revised description to read "Cigarettes, cigarette paper in books or wrappers in boxes or manufactured tobacco, other than cigars, in packages, (See Note):"

Make similar revisions in the commodity description in Tariff No. 13.

D. Publish new commodity rates in Freight Tariff No. 13, F.M.B.-F. No. 106.

(1) Publish a new commodity rate applying between Stockton and Honolulu Container Freight Stations and/or Container Yards on Fruit, Liquors and Insecticides and related articles as follows:

- (a) Fruit, Dried or Evaporated, in packages: (b) Liquors, Alcoholic, N.O.S. in packages: Any quantity_____ \$2.29 Minimum 20,000 pounds_____ 2.25 Minimum 20,000 pounds 2.20
 Minimum 36,000 pounds 2.14
 (c) Insecticides or Fungicides; Insect Repellents or Vermin Exterminators;
 Tree or Weed Killing Compound, viz: In drums weighing more than 260 pounds each: _____ \$1.28 Any quantity__ Minimum 20,000 pounds..... 1.25 Minimum 40,000 pounds_____ 1.20 In packages N.O.S.: Any quantity_______\$2.08 Minimum 20,000 pounds_____ 2.03 _____ \$2. 08
- E. Publish new commodity rates in Container Freight Tariff No. 11, F.M.B.-F. No. 97.

Minimum 40,000 pounds_____ 1.90

- (1) Publish new commodity rate applying between San Francisco and Los Angeles Container Freight Stations and/or Container Yards on the one hand and Honolulu Container Freight Stations and/or Container Yards on the following articles:

 (a) Item No. 594. Angles, iron or steel,
- used, returned (see Note).

NOTE: Rule 39 will not apply.

Minimum 40,000 pounds_____ \$0.90

(b) Item No. 593. Bottles, used, empty, returning, subject to Notes 1, 2, and 3.

Note 1: Copy of inbound bill of lading establishing that bottles moved filled via Matson Navigation Company and are being returned to original consignor, is to be presented at time of shipment.

Note 2: Rule 39 will not apply. Note 3: Rule 40 will not apply.

Minimum 26,000 pounds___ Minimum charge per container____ 291. 20

(c) Item No. 592. Compounds, buffing or polishing including boat, floor, furniture, or vehicle wax or polish:

Hundredweight pounds				\$1, 29
Hundredweight pounds	min	imum	20,000	1. 26
Hundredweight pounds	min	mum	40,000	1. 19

(d) Item No. 591. Paper, wrapping, in packages:

Per hundredweight, any quantity____ \$1.42

It further appearing that the Board having found good cause therefor has on January 15, 1960, granted special permission to publish such changes on not less than 30 days' notice under Special Permission No. 3805; such special permission to be without prejudice to the right of the Board to suspend such schedules within the notice period, either upon receipt of protest thereto or upon its own motion.

It is ordered, That the Original Order herein is modified to the extent necessary to permit the publication and filing of the changes covered by such Special Permission No. 3805; and

It is further ordered, That any rates, charges, regulations, and practices set fourth in the schedules filed pursuant to such special permission shall be subject to the investigation and hearing herein to the same extent as the rates, charges, regulations, and practices under

schedules canceled thereby, and that the special permission granted hereby shall be without prejudice to the Board's determination as to the lawfulness of the rates established pursuant hereto; and

It is further ordered, That copies of this order shall be filed with said tariff schedules in the Office of the Federal Maritime Board; and

It is further ordered, That a copy of this order shall be forthwith served upon all respondents herein, and upon all protestants herein; and that this order be published in the FEDERAL REGISTER.

Dated: January 22, 1960.

By order of the Federal Maritime Board.

> JAMES L. PIMPER. Secretary.

[F.R. Doc. 60-806; Filed, Jan. 26, 1960; 8:51 a.m.]

Maritime Administration

TRADE ROUTE NO. 18-U.S. AT-LANTIC AND GULF/INDIA, PER-SIAN GULF AND RED SEA

Notice of Tentative Conclusions and Determinations Regarding the Essentiality and United States Flag Service Requirements

Notice is hereby given that on January 22, 1960, the Maritime Administrator. acting pursuant to Section 211 of the Merchant Marine Act, 1936, as amended, found and determined the essentiality and United States flag service requirements of United States foreign Trade Route No. 18 and in accordance with his action of July 27, 1956 ordered that the following tentative conclusions and determinations reached by the Maritime Administrator with respect to said trade route be published in the FEDERAL REGISTER:

1. Trade Route No. 18 as described below is reaffirmed as an essential foreign trade route of the United States:

Trade Route No. 18-U.S. Atlantic and Gulf/India, Persian Gulf and Red Sea. tween U.S. Atlantic and Gulf ports (Maine-Texas, inclusive) and ports in Southwest Asia from Suez to Burma, inclusive, and in Africa on the Red Sea and Gulf of Aden.

2. Requirements for United States flag operations on Trade Route No. 18 are approximately 6 to 7 sailings per month of freight vessels serving the route exclusively or predominantly, with some additional service by other regularly scheduled U.S. flag sailings serving the route in part only.
3. Existing C-3 type freighters are

suitable for operation to the full range of Trade Route No. 18 ports pending replacement and that C-2 and Victory type ships are suitable for interim operation on this route but should be replaced at the earliest practicable date.

4. Replacement freighters for Trade Route No. 18 will need to be superior to present C-3 type ships in speed and have cargo carrying capacity at least equal to the present C-3's.

Any person, firm or corporation having any interest in the foregoing who desires to offer comments and views or request a hearing thereon, should submit same in writing in triplicate to the Chief. Office of Government Aid, Maritime Administration, Department of Commerce, Washington 25, D.C., by close of business on February 12, 1960. In the event a hearing is requested, a statement must be included giving the reasons therefor. Any hearing thereby afforded will be before an Examiner on an informal basis only. The Maritime Administrator will consider these comments and views and take such action with respect thereto as in his discretion he deems warranted.

Dated: January 25, 1960.

By order of the Maritime Administrator.

> JAMES L. PIMPER, Secretary.

[F.R. Doc. 60-838; Filed, Jan. 27, 1960; 8:49 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service [P. & S. Docket Nos. 553, 554, 555]

NEW JERSEY COOP CO., INC., ET AL.

Notice of Petition for Modification of Rate Order

Pursuant to the provisions of the Packers and Stockyards Act. 1921, as amended (7 U.S.C. 181 et seq.), an order was issued on March 19, 1959 (18 A.D. 247), authorizing the respondents to assess a charge of \$1.02 per coop for the rental of coops to the live poultry industry to and including March 25, 1961, unless modified or extended by further order before the latter date.

On January 11, 1960, a petition was filed on behalf of the respondents requesting that the current rate order be modified to permit them to increase the rental charge for coops from \$1.02 to \$1.08% per coop and requesting that the proposed rate increase remain in effect "until such time as it is deemed necessary to change same."

The effect of such increase in the rate for coop rental, if authorized, would be to increase the revenue of the respondents. Accordingly, it appears that this public notice of the filing of the petition and its contents should be given in order that all interested persons may have an opportunity to indicate a desire to be heard in the matter.

All interested persons who desire to be heard in the matter shall notify the Hearing Clerk, United States Department of Agriculture, Washington 25, D.C., within 15 days after the publication of this notice.

Done at Washington, D.C., this 22d day of January 1960.

> DAVID M. PETTUS. Director, Livestock Division, 'Agricultural Marketing Service.

[F.R. Docket 60-857; Filed, Jan. 27, 1960; 8:52 a.m.]

Office of the Secretary **WASHINGTON**

Designation of Area for Production Emergency Loans

For the purpose of making production emergency loans pursuant to section 2(a) of Public Law 38, 81st Congress (12 U.S.C. 1148a-2(a)), as amended, it has been determined that in the entire State of Washington a production disaster has caused a need for agricultural credit to cranberry growers not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

Pursuant to the authority set forth above, production emergency loans will not be made in the above-named State after June 30, 1960, except to applicants who previously received such assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 22d day of January 1960.

> TRUE D. MORSE, Acting Secretary.

[F.R. Doc. 60-834; Filed, Jan. 27, 1960; 8:48 a.m.]

FEDERAL COMMUNICATIONS **COMMISSION**

[Docket Nos. 13301, 13302; FCC 50M-162]

SAM H. BENNION AND JAMES C. . WALLENTINE

Notice of Conference

In re applications of Sam H. Bennion, Pocatello, Idaho, Docket No. 13301, File No. BPCT-2598; James C. Wallentine, Pocatello, Idaho, Docket No. 13302, File No. BPCT-2624; for construction permits for new television broadcast stations (Channel 10).

Notice is hereby given that a prehearing conference in the above-entitled proceeding will be held at 2:00 p.m. on Tuesday, February 2, 1960, in Washington. D.C.

Dated: January 21, 1960. Released: January 22, 1960.

> FEDERAL COMMUNICATIONS COMMISSION.

[SEAL] MARY JANE MORRIS.

Secretary.

[F.R. Doc. 60-839; Filed, Jan. 27, 1960; 8:49 a.m.]

[Docket No. 13, 361]

JAMES N. CALVERT Order To Show Cause

In the-matter of James N. Calvert c/o E. E. Saunders & Co., P.O. Box 192, Pensacola, Florida, Docket No. 13,361; order to show cause why there should not be revoked the license for radio station WB-8506 aboard the vessel "Providence

There being under consideration the matter of certain alleged violations of the Commission's rules in connection with the operation of the above-captioned station;

It appearing that pursuant to § 1.61 of the Commission's rules, written notice of violation of the Commission's rules was served upon the above-named licensee as follows:

Official Notice of Violation dated June 15, 1959, calling attention to violation (observed May 25, 1959) of § 8.108 of the Commission's rules in that the station was emitting a harmonic on approximately 5660 kc., when operating on the frequency 2830 kc., with Type A-3 emission.

It further appearing that the abovenamed licensee received said Official notice but did not make satisfactory reply thereto, whereupon the Commission, by letter dated August 21, 1959, and sent by Certified Mail, Return Receipt Requested (No. 212639), brought this matter to the attention of the licensee and requested that such licensee respond to the Commission's letter within fifteen days from the date of its receipt stating the measures which had been taken, or were being taken, in order to bring the operation of the radio station into compliance with the Commission's rules, and warning the licensee that his failure to respond to such letter might result in the institution of proceedings for the revocation of the radio station license; and

It further appearing that receipt of the Commission's letter was acknowledged by the signature of the licensee's agent, Elouise Calvert on August 25, 1959, to a Post Office Department return receipt; and

It further appearing that although more than fifteen days have elapsed since the licensee's receipt of the Commission's letter, no response was made thereto; and

It further appearing that in view of the foregoing, the licensee has repeatedly violated § 1.61 of the Commission's

It is ordered, This 20th day of January 1959, pursuant to section 312(a)(4) and (c) of the Communications Act of 1934, as amended, and section 0.291(b)(8) of the Commission's Statement of Delegations of Authority, that the said licensee show cause why the license for the abovecaptioned Radio Station should not be revoked and appear and give evidence in respect thereto at a hearing 1 to be held at a time and place to be specified by subsequent order; and

It is further ordered, That the Secretary send a copy of this Order by Certified Mail, Return Receipt Requested to

the said licensee.

Released: January 21, 1960.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] MARY JANE MORRIS. Secretary.

¹ Section 1.62 of the Commission's rules provides that a licensee, in order to avail himself of the opportunity to be heard, shall, in person or by his attorney, file with the Commission, within thirty days of the receipt of the order to show cause, a written statement stating that he will appear at the

[Docket Nos. 13367, 13368; FCC 60-53]

GREENTREE COMMUNICATIONS EN-TERPRISES, INC., AND JERROLD **ELECTRONICS CORP.**

Order Designating Applications for Consolidated Hearing on Stated

In re applications of Greentree Communications Enterprises, Inc., Flagstaff, Arizona, Docket No. 13367, File No. BPCT-2642; Jerrold Electronics Corporation, Flagstaff, Arizona, Docket No. 13368, File No. BPCT-2670; for construction permits for new television broadcast stations.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 20th day of January 1960:

The Commission having under consideration the above-captioned applications, each requesting a construction permit for a new television broadcast station to operate on Channel 9, assigned to Flagstaff, Arizona; and

It appearing that the applications of Greentree Communications Enterprises, Inc. and Jerrold Electronics Corporation are mutually exclusive in that operation by both applicants as proposed would result in mutually destructive interference; and

It further appearing that pursuant to section 309(b) of the Communications. Act of 1934, as amended, Greentree Communications Enterprises, Inc. and Jerrold Electronics Corporation were advised by letters that their applications were mutually exclusive, of the necessity for a hearing and of all objections to their applications, and were given an opportunity to reply; and

It further appearing that in the pre-hearing letter to Jerrold Electronics Corporation, the Commission raised a question with respect to a possible vio-

hearing and present evidence on the matter specified in the order. In the event it would not be possible for respondent to appear for hearing in the proceeding if scheduled to be held in Washington, D.C., he should advise the Commission of the reasons for such inability within five days of the receipt of this order. If the licensee fails to file an appearance within the time specified, the right to a hearing shall be deemed to have been waived. Where a hearing is waived, a written statement in mitigation or justification may be submitted within thirty days of the receipt of the order to show cause. If such statement contains, with particularity, factual allegations denying or justifying the facts upon which the show cause order is based, the Hearing Examiner may call upon the submitting party to furnish additional information, and shall request all opposing parties to file an answer to the written statement and/or additional information. The record will then be closed and an initial decision issued on the basis of such procedure. Where a hearing is waived and no written statement has been filed within the thirty days of the receipt of the order to show cause, the allegations of fact contained in the order to show cause will be deemed as correct and the sanctions specified in the order to show cause will be invoked.

[F.R. Doc. 60-840; Filed, Jan. 27, 1960; 8:49 a.m.]

lation of the spirit of § 3.636(a)(1) of the Commission's rules; and

It further appearing that upon due consideration of the replies to the section 309(b) letters, the Commission is of the view that the above question raised with respect to the proposal of Jerrold Electronics Corporation should be explored within the framework of comparative issue "2(a)" as specified herein, rather than as an issue with respect to § 3.636(a) (1) of the Commission's rules; and

It further appearing that upon due consideration of the above-captioned applications, the amendments thereto, and the replies to the above letters, the Commission finds that pursuant to section 309(b) of the Communications Act of 1934, as amended, a hearing is necessary; that Greentree Communications Enterprises, Inc. is legally and technically qualified to construct, own and operate the proposed television broadcast station: and that Jerrold Electronics Corporation is legally, financially, technically and otherwise qualified to construct, own and operate the proposed television broadcast station;

It is ordered, That pursuant to section 309(b) of the Communications Act of 1934, as amended, the above-captioned application of Greentree Communications Enterprises, Inc. and Jerrold Electronics Corporation are designated for hearing in a consolidated proceeding at a time and place to be specified in a subsequent order, upon the following issues:

(1) To determine whether Greentree Communications Enterprises, Inc. is financially qualified to construct, own and operate the proposed television broadcast station.

- (2) To determine on a comparative basis which of the operations proposed in the above-captioned applications would best serve the public interest, convenience and necessity in light of the record made with respect to the significant differences among the applicants
- a. The background and experience of each having a bearing on its ability to own and operate the proposed television broadcast stations.
- b. The proposals of each with respect to the management and operation of the proposed television broadcast stations.
- c. The programming service proposed in each of the above-captioned applications.
- (3) To determine, in light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

It is further ordered, That the issues in the above entitled proceeding may be enlarged by the Examiner on his own motion or on petition properly filed by a party to the proceeding and upon a sufficient allegation of facts in support thereof, by the addition of the following issue: To determine whether the funds available to the applicants will give reasonable assurance that the proposals set forth in the application will be effectuated.

It is further ordered, That to availthemselves of the opportunity to be

heard, Greentree Communications Enterprises, Inc. and Jerrold Electronics Corporation, pursuant to § 1.140(c) of the Commission's rules, in person or by attorney, shall within twenty (20) days of the mailing of this Order file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

Released: January 25, 1960.

FEDERAL COMMUNICATIONS COMMISSION,

MARY JANE MORRIS, [SEAL] Secretary.

[F.R. Doc. 60-841; Filed, Jan. 27, 1960; 8:50 a.m.1

[Docket No. 13356 etc.; FCC 60M-153]

HARTSVILLE BROADCASTING CO. (WHSC) ET AL.

Order Scheduling Prehearing Conference

In re applications of Hartsville Broadcasting Company (WHSC), Hartsville, South Carolina, Docket No. 13356, File No. BP-12169; WMFJ, Inc. (WMFJ), Daytona Beach, Florida, Docket No. 13357, File No. BP-12623; Carter C. Peterson, tr/as Dixie Broadcasting Company (WCCP), Savannah, Georgia, Docket No. 13358, File No. BP-13140; Low Country Broadcasting Company (WQSN), Charleston, South Carolina, Docket No. 13359; File No. BP-13254; for construction permits.

The Hearing Examiner having under consideration the above-entitled proceeding:

It is ordered. This 21st day of January 1960, that all parties, or their attorneys, who desire to participate in the proceeding, are directed to appear for a prehearing conference, pursuant to the provisions of § 1.111 of the Commission's rules, at the Commission's offices in Washington, D.C. at 10:00 a.m. on February 12, 1960.

Released: January 21, 1960.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL]

MARY JANE MORRIS, Secretary.

[F.R. Doc. 60-842; Filed, Jan. 27, 1960; 8:50 a.m.]

[Dockets Nos. 13191, 13192; FCC 60M-152]

HI-FI BROADCASTING CO. AND RADIO HANOVER, INC.

Order Continuing Hearing

In re applications of William F. Mahoney and C. W. Atland, d/b as Hi-Fi Broadcasting Co., York-Hanover, Pennsylvania, Docket No. 13191, File No. BPH-2663; Radio Hanover, Inc., York-Hanover, Pennsylvania, Docket No. 13192, File No. BPH-2689; for construction permits (FM).

The Hearing Examiner having before him a motion filed by Radio Hanover, Letters KPOI to KPOI Broadcasting

Inc. on January 18, 1960, for extension of time to exchange direct written presentations in the above-captioned proceeding; and

It appearing that the petitioner has postponed completion of its direct presentation due to the possibility of mutual resolution of various problems between the parties, and in that connection requests extension of the date now set for exchange of direct written presentations and for extension of other procedural dates now established on the calendar governing this proceeding; and

It further appearing that the other parties to the proceeding have consented to grant of Radio Hanover, Inc.'s request:

It is ordered, This 20th day of January 1960, that the above-described motion is granted; and that the calendar of future events in the above-entitled proceeding is changed as follows:

. Exchange of direct written presentations date extended from January 25, 1960, to February 23, 1960;

Informal engineering meeting date extended from February 1, 1960, to February 25, 1960;

Exchange of final engineering presentation date extended from February 10, 1960, to March 1, 1960;

Further pre-hearing conference date extended from February 15, 1960, to March 7,

Hearing date extended from February 17, 1960, to March 15, 1960.

Released: January 21, 1960.

FEDERAL COMMUNICATIONS COMMISSION,

MARY JANE MORRIS, [SEAL] Secretary.

[F.R. Doc. 60-843; Filed, Jan. 27, 1960; 8:50 a.m.]

[Docket No. 13182; FCC 60M-119]

KPOI BROADCASTING CO., INC. Order Scheduling Hearing

In the matter of Assignment of Call Letters KPOI to KPOI Broadcasting Company, Inc. for its Standard Broadcast Station in Honolulu, Hawaii, Docket No. 13182.

It is ordered, This 15th day of January 1960, that Walther W. Guenther will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on March 30, 1960, in Washington, D.C.

Released: January 18, 1960.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] MARY JANE MORRIS, , Secretary.

[F.R. Doc. 60-844; Filed, Jan. 27, 1960; 8:50 a.m.]

[Docket No. 13182; FCC 60M-160]

KPOI BROADCASTING CO., INC. **Order Scheduling Prehearing**

Conference In the matter of Assignment of Call Company, Inc. for its Standard Broadcast Station in Honolulu, Hawaii, Docket No. 13182.

The Hearing Examiner having under consideration the above-entitled pro-

ceeding:

It is ordered, This 21st day of January 1960, that all parties, or their attorneys, who desire to participate in the proceeding, are directed to appear for a prehearing conference, pursuant to the provisions of § 1.111 of the Commission's rules, at the Commission's offices in Washington, D.C., at 2:00 p.m. on February 10, 1960.

Released: January 22, 1960.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL]

MARY JANE MORRIS, Secretary.

[F.R. Doc. 60-845; Filed, Jan. 27, 1960; 8:50 a.m.]

[Docket No. 13276 etc.; FCC 60M-161]

LARAMIE BROADCASTERS ET AL. Order Scheduling Prehearing Conference

In re applications of Grady Franklin Maples, Edna Hill Maples, George G. Entz and William R. Vogel d/b as Laramie Broadcasters, Laramie, Wyoming, Docket No. 13276, File No. BP-12166; Garden of the Gods Broadcasting Company (KCMS), Manitou Springs, Colorado, Docket No. 13277, File No. BP-12339; Boulder Radio KBOL, Inc. (KBOL), Boulder, Colorado, Docket No. 3278, File No. BP-12572; T. I. Moseley, Denver, Colorado, Docket No. 13279, File No. BP-13147; for construction permits.

The Hearing Examiner having under consideration a verbal request for setting a date for prehearing conference in this

proceeding:

It appearing that the hearing is now scheduled to commence on February 8, 1960, but a conference is desired on February 5, at which time a suitable hearing date can be established;

It is ordered, This 21st day of January 1960, that a prehearing conference will be held on February 5, 1960, and the date of February 8 for commencement of hearing is cancelled.

Released: January 22, 1960.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 60-846; Filed, Jan. 27, 1960; 8:50 a.m.]

[Docket Nos. 13330, 13331; FCC 60M-155]

RADIO ATASCADERO AND CAL-COAST BROADCASTERS

Order Continuing Hearing Conference

In re applications of Jeanette B. Arment, tr/as Radio Atascadero, Atascadero, California, Docket No. 13330, File

No. BP-12068; Edward E. Urner and Bryan J. Coleman, d/b as Cal-Coast Broadcasters, Santa Maria, California, Docket No. 13331, File No. BP-12613; for construction permits.

The Hearing Examiner having under consideration informal telegraphic request of Jeanette B. Arment, tr/as Radio Atascadero, filed on January 20, 1960, for continuance of the prehearing conference herein from January 22 to February 19, 1960;

It appearing that the Broadcast Bureau has no objection to a grant of the request and that Edward E. Urner and Bryan J. Coleman, d/b as Cal-Coast Broadcasters, have no objection to a continuance until February 1, 1960, to be granted without prejudice to the filing of a formal petition for further continuance if a further continuance to February 19, 1960, should be necessary;

It is ordered, This 21st day of January 1960, that the informal request is granted to the extent that the prehearing conference now scheduled for January 22, 1960, is continued to February 1, 1960, at 10:00 a.m., and is denied, insofar as it requests continuance to February 19, 1960, without prejudice to the timely filing of a formal petition for further continuance if continuance to February 19, 1960, is deemed necessary.

Released: January 22, 1960.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] MARY JANE MORRIS, Secretary.

[F.R. Doc. 60-847; Filed, Jan. 27, 1960; 8:50 a.m.]

[Docket No. 13162 etc.; FCC 60M-148]

RADIO MUSCLE SHOALS, INC. (WOWL) ET AL.

Order Scheduling Hearing

In re applications of Radio Muscle Shoals, Inc. (WOWL), Florence, Alabama, Docket No. 13162, File No. BP-12150; Union City Broadcasting Co., Inc. (WENK), Union City, Tennessee, Docket No. 13163, File No. BP-12218; The Corinth Broadcasting Company, Inc. (WCMA), Corinth, Mississippi, Docket No. 13164, File No. BP-12269; Alan G. Patteson, Jr. & Matthew Carter Patteson d/b as Patteson Brothers (KBTM), Jonesboro, Arkansas, Docket No. 13165, File No. BP-12358; WKDA Broadcasting Company, Inc., Nashville, Tennessee, Docket No. 13166, File No. BP-12518; John R. Crowder, James Porter Clark and James W. Tate, d/b as Fayetteville Broadcasting Company (WEKR), Fayetteville, Tennessee, Docket No. 13167, File No. BP-12777; Walker County Broadcasting Company, Inc. (WARF) Jasper, Alabama, Docket No. 13169, File No. BP-13101; for construction permits.

Pursuant to agreement at a session of the prehearing conference held on this date: It is ordered, This 19th day of January 1960, that the affirmative case of each party in the above-entitled proceeding will be in writing and the following calendar will govern: Preliminary exchange of engineering data, March 1, 1960.

Exchange of engineering exhibits and nonengineering exhibits, if any, in final form, March 22, 1960.

Notification of witnesses, if any, who are desired for cross-examination, April 8, 1960.

It is further ordered, That, pursuant to agreement at the prehearing conference, the hearing in the above-entitled proceeding will commence on April 18, 1960, at 10 a.m., in Washington, D.C.

Released: January 21, 1960.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] MARY JANE MORRIS, Secretary.

[F.R. Doc. 60-848; Filed, Jan. 27, 1960; 8:50 a.m.]

[Docket No. 13363 etc.; FCC 60-50]

CECIL W. ROBERTS ET AL.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re application of Cecil W. Roberts and Jane A. Roberts, his wife, Poplar Bluff, Missouri. Requests: 1340 kc, 250 w, U; Docket No. 13363, File No. BP-11881; Don M. Lidenton, Poplar Bluff, Missouri. Requests: 1340 kc, 250 w, U; Docket No. 13364, File No. BP-11958; Phoenix Company, Inc. (KAAB), Hot Springs, Arkansas. Has: 1350 kc, 500 w, 1 kw-LS, DA-N, U; Requests: 1340 kc, 250 W, 500 w-LS, U; Docket No. 13365, File No. BP-12710; White River Valley Broadcasters, Incorporated (KBTA), Batesville, Arkansas. Has: 1340 kc, 250 w, U; Requests: 1340 kc, 250 w, U; Requests: 1340 kc, 250 w, U; Requests: 1340 kc, 250 w, U; Docket No. 13366, File No. BP-13037; for standard broadcast construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 20th day of January 1960;

The Commission having under consideration the above-captioned and described applications;

It appearing that, except as indicated by the issues specified below, each of the applicants is legally, technically, financially, and otherwise qualified to construct and operate their instant proposal; and

It further appearing that pursuant to section 309(b) of the Communications Act of 1934, as amended, the Commission, in a letter dated September 21, 1959, and incorporated herein by reference, notified the instant applicants, and any other known parties in interest, of the grounds and reasons for the Commission's inability to make a finding that a grant of any one of the applications would serve the public interest, convenience, and necessity; and that a copy of the aforementioned letter is available for public inspection at the Commission's offices; and

It further appearing that the instant applicants filed timely replies to the aforementioned letter, which replies have not, however, entirely eliminated

the grounds and reasons precluding a grant of the said applications and requiring an evidentiary hearing in the particular issues as hereinafter specified; and in which the applicants stated that they would appear at a hearing on the

instant applications; and

It further appearing that after consideration of the foregoing and the applicants' replies, the Commission is still unable to make the statutory finding that a grant of the applications would serve the public interest, convenience, and necessity; and is of the opinion that the applications must be designated for hearing in a consolidated proceeding on the issues specified below;

It is ordered, That, pursuant to section 309(b) of the Communications Act of 1934, as amended, the instant applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which would receive primary service from the proposed operation of Cecil W. Roberts and Jane A. Roberts, his wife, and Don M. Lidenton and the availability of other primary service to such areas and populations.

2. To determine the areas and populations which may be expected to gain or lose primary service from the proposed operation of Stations KAAB and KBTA and the availability of other primary service to such areas and populations.

- 3. To determine the nature and extent of the interference, if any, that each of the instant proposals would cause to and receive from each other and all other existing standard broadcast stations, the areas and populations affected thereby, and the availability of other primary service to the areas and populations affected by interference from any of the instant proposals involved in the areas of interference between the proposals.
- 4. To determine whether the instant proposal of Cecil W. Roberts and Jane A. Roberts, his wife, would involve objectionable interference with Station KBTA, Batesville, Arkansas, and Station KSMO, Salem, Missouri, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service of such areas and populations.
- 5: To determine whether the instant proposal of Don M. Lidenton would involve objectionable interference with Station KBTA, Batesville, Arkansas, and Station KSMO, Salem, Missouri, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.
- 6. To determine whether the instant proposal of White River Valley Broadcasters, Incorporated (KBTA), would involve objectionable interference with Station WHHM, Memphis, Tennessee, and Station KICK, Springfield, Missouri, and Station KSMO, Salem, Missouri, or any other existing standard broadcast

stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

- 7. To determine whether the interference received from any of the other proposals herein and any existing stations would affect more than ten percent of the population within the normally protected primary service area of any one of the instant proposals in contravention of 3.28(c)(3) of the Commission rules, and, if so, whether circumstances exist which would warrant a waiver of said section.
- 8. To determine, in the light of section 307(b) of the Communications Act of 1934, as amended, whether the proposal for Hot Springs, Arkansas, or one of the proposals for Batesville, Arkansas, or one of the proposals for Poplar Bluff, Missouri, would better provide a fair, efficient and equitable distribution of radio service.
- 9. To determine, in the event it is concluded pursuant to the foregoing issue that one of the proposals for Poplar Bluff, Missouri, Cecil W. Roberts and Jane A. Roberts, his wife, or Don M. Lidenton, would better serve the public interest, convenience and necessity in the light of the evidence adduced under the issues herein and the record made with respect to the significant differences between the said applicants as to:
- (a) The background and experience of each having a bearing on the applicant's ability to own and operate the proposed standard broadcast station.
- (b) The proposal of each with respect to the management and operation of the proposed station.
- (c) The programming services proposed in each of the said applications.

10. To determine, in the light of the evidence adduced; pursuant to the foregoing issues which, if any, of the instant applications should be granted.

It is further ordered, That, William B. Smith, an individual tr/as the Zola Broadcasting Company, Thomas W. Shipp, tr/as Radio Station WHHM, and Kickapoo Prairie Broadcasting Co., Inc. licensees of the existing operations of KSMO, WHHM, and KICK, respectively, are made parties to the proceeding, and White River Valley Broadcasters is made a party with respect to the existing operation of Station KBTA; and

It is further ordered, That in the event that the application of Cecil W. Roberts and Jane A. Roberts, his wife, is granted, the construction permit should contain a condition that a complete nondirectional proof of performance be submitted to prove that the radiation is essentially as that proposed by the applicant.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants and parties respondent herein, pursuant to section 1.140 of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and

present evidence on the issues specified in this order.

It is further ordered, That, the issues in the above-captioned proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding, and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectu-

Released: January 25, 1960.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] MARY JANE MORRIS, Secretary.

[F.R. Doc. 60-849; Filed, Jan. 27, 1960; 8:50 a.m.]

[Docket No. 13155 etc.: FCC 60M-1331

WACO RADIO CO. ET AL.

Order Scheduling Prehearing Conference

In re applications of Jacob A. Newborn, Jr., Trustee for Nancy and Nena Newborn, tr/as Waco Radio Company, Waco, Texas, Docket No. 13155, File No. BP-9763; Hugh M. McBeath, Waco, Texas, Docket No. 13156, File No. BP-10001; Floyd Bell, Texarkana, Texas, Docket No. 13157, File No. BP-11870; Radio Broadcasters, Inc., Waco, Texas, Docket No. 13158, File No. BP-12465; Belton Broadcasters, Inc., Belton, Texas, Docket No. 13159, File No. BP-12934; H. A. Bridges, Jr., R. L. Hicks, Samuel R. Jones and James G. Ulmer, a partnership, d/b as Heart of Texas Broadcasters, Waco, Texas, Docket No. 13160, File No. BP-12985; for construction permits.

The Hearing Examiner having under consideration a letter dated January 14, 1960, from counsel for Waco Radio Company, requesting that a further prehearing conference be held in this proceeding; and

It appearing that counsel for all other parties have informally consented or interpose no objection to the scheduling of the conference, and that a grant of the request will conduce to the orderly dispatch of the Commission's business;

Now therefore, it is ordered, This 18th day of January 1960, that the above letter request is granted, and that a further prehearing conference in this proceeding shall be held at 10:00 a.m. on Thursday, January 21, 1960, in Room 208, Federation Building, 9th Street and Mt. Vernon Place NW., Washington, D.C.

Released: January 20, 1960.

FEDERAL COMMUNICATIONS COMMISSION,

MARY JANE MORRIS, [SEAL]

Secretary.

[F.R. Doc. 60-850; Filed, Jan. 27, 1960; 8:50 a.m.]

[Docket No. 13155 etc.; FCC 60M-159]

WACO RADIO CO. ET AL. Order Continuing Hearing

In re applications of Jacob A. Newborn, Jr., Trustee for Nancy and Nena Newborn, tr/as Waco Radio Company, Waco, Texas, Docket No. 13155, File No. BP-9763; Hugh M. McBeath, Waco, Texas, Docket No. 13156, File No. BP-10001; Floyd Bell, Texarkana, Texas, Docket No. 13157, File No. BP-11870; Radio Broadcasters, Inc., Waco, Texas, Docket No. 13158, File No. BP-12465; Belton Broadcasters, Inc., Belton, Texas, Docket No. 13159, File No. BP-12934; H. A. Bridges, Jr., R. L. Hicks, Samuel R. Jones and James G. Ulmer, a partner-ship, d/b as Heart of Texas Broadcasters, Waco, Texas, Docket No. 13160, File No. BP-12985; for construction permits.

Pursuant to agreements reached by counsel for all participants at the further prehearing conference held on this day, and as fully explained on the record

thus made.

It is ordered, This 21st day of January 1960, that the following dates for procedural steps shall govern in this proceeding:

Exchange of engineering exhibits—Februarv 23, 1960.

Requests for additional information and notification of witnesses desired for crossexamination (engineering)—March 1, 1960.

Commencement of hearing upon engineering matters-March 8, 1960.

Exchange of exhibits on non-engineering

issues-April 12, 1960.

Requests for additional information and notification of witnesses desired for crossexamination (non-engineering) -- April 26,

Commencement of hearing upon nonengineering matters-May 10, 1960.

It is further ordered, That the hearing now scheduled to be commenced on February 23, 1960 is continued to March 8,

Released: January 22, 1960.

FEDERAL COMMUNICATIONS COMMISSION, MARY JANE MORRIS,

[SEAL] Secretary.

[F.R. Doc. 60-851; Filed, Jan. 27, 1960; 8:51 a.m.]

[Docket No. 12651 etc.; FCC 60M-147]

JAMES E. WALLEY ET AL. Order Scheduling Hearings

In re applications of James E. Walley. Oroville, California, Docket No. 12651, File No. BP-11655; Robert L. Stoddard, tr/as Sierra Broadcasting Company, Reno, Nevada, Docket No. 12819, File No. BP-12299: Finley Broadcasting Company (KSRO), Santa Rosa, California, Docket No. 12820, File No. BP-12313; Gene V. Mitchell and Robert T. McVay, d/b as Sanval Broadcasters, Oroville, California, Docket No. 12821, File No. BP-12381; Western States Radio (KIST), Santa Barbara, California, Docket No. 13281, File No. BP-12664; Katy, Sweetheart of San Luis Obispo, Inc. (KATY) San Luis Obispo, California, Docket No. 13282, File No. BP- 12760; Komy, Inc. (KOMY), Watsonville, California, Docket No. 13283, File No. BP-12853; McMahan Broadcasting Co. (KMAK), Fresno, California, Docket No. 13284. File No. BP-12979: for construction permits.

Pursuant to agreement at a session of the prehearing conference held in the above-entitled proceeding on December 22, 1959: It is ordered, That the hearing with respect to Group 1 will commence on March 15, 1960; Group 21 will commence on March 22, 1960; and Group 31 will commence on March 23, 1960; all at 10 o'clock a.m., in Washington, D.C.

Released: January 21, 1960.

Dated: January 19, 1960.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] MARY JANE MORRIS, Secretary.

[F.R. Doc. 60-852; Filed, Jan. 27, 1960; 8:51 a.m.]

FEDERAL POWER COMMISSION

[Docket No. E-6924]

ATLANTIC CITY ELECTRIC CO. Order to Show Cause

JANUARY 21, 1960.

The 1958 Annual Report (FPC Form No. 1) of Atlantic City Electric Company (Company), a New Jersey corporation with its principal place of business at Atlantic City, New Jersey, indicates that Company is currently accounting and reporting certain credits arising from accounting procedures for deferred taxes on income in a manner contrary to the requirements of the Commission's Uniform System of Accounts Prescribed for Public Utilities and Licensees.

Company is a public utility within the meaning of that term under the Fed-

eral Power Act.

Company's Annual Report to the Commission for 1958 shows as of December 31, 1958 a credit of \$4,007,357 in Account 266-Accumulated Deferred Taxes on Income, of annual accruals of deferred taxes pursuant to section 168 of the Internal Revenue Code of 1954. Company's annual charges to income for the federal income taxes thus deferred have been charged to Account 507A—Provision for Deferred Taxes on Income. These two accounts constitute the balance sheet and income accounts, respectively, prescribed by this Commission's Order No. 204 (19 FPC 837) as the appropriate accounting classification for federal income taxes deferred by reason of accelerated amortization and liberalized depreciation practices under sections 168 and 167, respectively, of the Internal Revenue Code of 1954.

Notwithstanding these applicable accounting classifications, Company's 1958 Annual Report to stockholders shows that Company is currently reporting the accumulated accruals of deferred taxes on income which the Commission has required to be set forth in Account 266, through another balance sheet account "Retained Earnings restricted for future Federal Taxes on Income". Company's annual report to stockholders is required to be appended as a part of Company's FPC Form No. 1, Annual Report to the Commission.5

Correspondence between Company representatives and this Commission's staff has failed to show any justification for Company's departure from the requirements of this Commission's Uniform System of Accounts. Moreover, Company representatives have indicated that Company proposes to continue the afore-mentioned accounting practices.

In view of the foregoing, it is necessary and appropriate for the purposes of the Federal Power Act (particularly sections 301(a), 304 and 309 thereof), that Company show cause, if there be any, for its past and continuing departure from the requirements of this Commission's Uniform System of Accounts; all in the manner hereinafter provided.

The Commission orders: Company shall show cause, if there be any, under oath and in writing within 60 days from the issuance of this order, why the Commission should not find and determine:

- (1) That Company is reporting the financial data set forth in Account 266 (i.e., accumulated deferred taxes on income), otherwise than as prescribed by the Commission's Uniform System of Accounts, all as indicated above, and therefore that it has and continues to violate the accounting and reporting requirements prescribed by the Commission through its Uniform System of Accounts;
- (2) That this action by Company constitutes a willful and knowing violation of the Federal Power Act;
- (3) That the Company be required to make, keep, preserve and report its accounts in the manner prescribed by this Commission in the Uniform System of Accounts Prescribed for Public Utilities and Licensees; and
- (4) That the Company be ordered to file such substitute pages of its Annual Report for 1958 (FPC Form No. 1) to make the reporting of accumulated taxes on income therein consistent, and in compliance with the requirements of such reports as prescribed by the Commission.

By the Commission.

JOSEPH H. GUTRIDE, Secretary.

[F.R. Docket 60-813; Filed, Jan. 27, 1960; 8:45 a.m.]

Group 1 is composed of the Oroville applicants; Group 2 is composed of Sierra Broadcasting Company; and Group 3 is composed of the Santa Rosa, Santa Barbara, San Luis Obispo, Watsonville and Fresno applicants.

 $^{^{\}hat{a}}$ Company was determined to be a public utility in Docket No. E-6303 by order issued

July 19, 1950. Formerly Section 124A of the Federal Internal Revenue Act of 1950.

^{&#}x27;Not prescribed as part of this Commission's Uniform System of Accounts for Public Utilities and Licensees. Order No. 204 (19 FPC 837) finds that surplus, even though restricted, is not an appropriate account for the classification of deferred taxes on income.

⁵ Registration Statements heretofore filed by Company under the Securities Act of 1933 reflect the same practice.

[Docket No. G-20376]

COLORADO-WYOMING GAS CO. Notice of Application and Date of Hearing

JANUARY 21, 1960.

Take notice that on December 14, 1959, Colorado-Wyoming Gas Company (Applicant) filed in Docket No. G-20376 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation during the calendar year 1960 of approximately thirty pipeline taps to provide natural gas service to existing resale distribution customers, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The proposed installations will provide additional main line taps to serve Public Service Company of Colorado, Cheyenne Light, Fuel and Power Company, Greeley Gas Company and Rocky Mountain Natural Gas Company, Inc. in rural areas of small load concentration.

The total estimated cost of \$8,280.00, to be paid out of funds on hand, will be subdivided into twenty-five farm taps at \$80.00 each, three small group taps at \$960.00 each and two large group taps at \$1,700.00 each.

The volumes of natural gas expected to be sold through the proposed facilities during 1960 are:

	Mcf at 14.73 psia					
	25 farm taps	5 group taps	Total			
Peak day requirements	30 3, 625	19, 720	193 23, 345			

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on February 23, 1960, at 9:30 a.m., e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: Provided, however, That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before February 12, 1960. Failure of any party to appear at and participate in the hearing shall be construed as waiver

of and concurrence in omission herein nected by a penstock to the tunnel which of the intermediate decision procedure in cases where a request therefor is

> JOSEPH H. GUTRIDE, Secretary.

[F.R. Doc. 60-814; Filed, Jan. 27, 1960; 8:45 a.m.1

[Project No. 2262]

CHUGACH ELECTRIC ASSOCIATION, INC.

Notice of Land Withdrawal

JANUARY 21, 1960.

In the matter of Grant and Ptarmigan Lakes-Falls Creek Hydroelectric Project, Chugach Electric Association, Inc.

Conformable to the provisions of section 24 of the Act of June 10, 1920, as amended, notice is hereby given that the lands herein described, insofar as title thereto remains in the United States, are included in Power Project No. 2262 for which completed application for a preliminary permit was filed October 26, 1959, by the Chugach Electric Association, Inc., Post Office Box 3518, Eastchester Branch, Anchorage, Alaska. Under said section 24 these lands are, from said date of filing, reserved from entry, location, or other disposal under the laws of the United States until otherwise directed by the Commission or by

Third Judicial Division, Kenai Peninsula, Alaska; Ptarmigan, Grant, and Lower Trail Lakes and Falls Creek; 24 air miles north of Seward and 52 air miles south-southeast of Anchorage. Latitude 60°25' North, longitude

All lands of the United States lying within the boundaries of the project as delimited upon maps filed in the office of the Federal Power Commission, designated as Exhibits "H"—"Grant Lake Hydro Electric Project, Kenai Peninsula, Alaska" (FPC No. 2262-1), and "Ptarmigan Lake and Falls Creek Addition to Grant Lake Hydro Electric Project, Kenai Peninsula, Alaska" (FPC -No. 2262-2), filed April 20 and October 26, (FPC -No. 1959, respectively, and showing the following project facilities:

1. A dam at the outlet of Grant Lake 100 feet high and 900 feet long raising the normal lake elevation 70 feet and providing 150,000 acre-feet of usable power storage at maximum power pool elevation of 770 feet.

2. A dam at the outlet of Ptarmigan Lake raising the normal level to a maximum power pool at elevation 770 feet to correspond to the Grant Lake elevation and providing 20,000 acre-feet of usable power storage.

3. A dam at a point where an equalizing tunnel between Grant and Ptarmigan Lakes cross Falls Creek, diverting water from the creek into a tunnel in the amount of approximately 35,000 acre-feet per year.

4. A powerhouse on Lower Trail Lake containing two 9,000 kilowatt generating units (24,000 horsepower), connected by a penstock to Grant Lake or a powerhouse with the same capacity located on the lower end of Lower Trail Lake conconnects Grant Lake and Ptarmigan Lake.

The area reserved pursuant to the filing of this application is approximately 440 acres, wholly within the Chugach National Forest.

Copies of the project maps (FPC Nos. 2262-1 and 2262-2) have been transmitted to the Bureau of Land Management, Geological Survey, and Forest Service.

> JOSEPH H. GUTRIDE, Secretary.

[F.R. Doc. 60-815; Filed, Jan. 27, 1960; 8:45 a.m.]

[Docket No. RI60-60]

JAKE L. HAMON'ET AL.

Order Providing for Hearing on and Suspension of Proposed Increased Rates

JANUARY 21, 1960.

Jake L. Hamon (Operator), et al., on December 22, 1959, tendered for filing a proposed change in his presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge. is contained in the following designated

Description: Notice of Change, undated. Purchaser and producing area: Lone Star Gas Company, NW. Marlow Field, Stephens County, Oklahoma.

Rate schedule designation: Supplement No. 1 to Hamon's FPC Gas Rate Schedule No. 19.

Effective date: January 22, 1960 (stated effective date is the effective date proposed by Hamon).

Rate in effect: 11.0 cents per Mcf. Proposed increase rate: 16.8 cents per Mcf. Pressure base: 14.65 psia.

In support of the proposed favorednations rate-increase. Hamon cites initial rates 1 and his contract provision and states that such provision was agreed to in a good-faith, arm's-length transaction and was an important element of consideration to seller in executing the longterm contract. Hamon also states that the contract provisions protect seller against future increases in costs and that denial of the increased price would, in a large measure, be a denial of the contract consideration to the seller.

The Commission finds: /

(1) The rates and charges contained in Supplement No. 1 to Hamon's FPC Gas Rate Schedule No. 19 may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the rates and charges contained in Supplement No. 1 to Hamon's FPC Gas Rate Schedule No. 19; and that such supple-

¹The initial 16.8 cents per Mcf rates to Lone Star Gas Company in the Carter-Knox Field authorized by the Commission in Docket Nos. G-17897, et al.

ment be suspended and the use thereof deferred as hereinafter provided.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing shall be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed change in rates and charges contained in Supplement No. 1 to Hamon's FPC Gas Rate Schedule No. 19.

(B) Pending such hearing and decision thereon, Supplement No. 1 to Hamon's FPC Gas Rate Schedule No. 19 is hereby suspended and the use thereof deferred until June 22, 1960, and thereafter until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37(f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37(f)).

By the Commission.

JOSEPH H. GUTRIDE, Secretary.

[F.R. Doc. 60-816; Filed, Jan. 27, 1960; 8:45 a.m.]

[Docket No. G-20239]

MISSISSIPPI RIVER FUEL CORP.

Order Providing for Hearing and Suspending Proposed Tariff Sheets

JANUARY 21, 1960.

In the order providing for hearing and suspending proposed tariff sheets, issued November 25, 1959, and published in the FEDERAL REGISTER on December 3, 1959 (24-F.R. 9684); in line 5 of the 1st paragraph; 3d line from bottom in the findings Clause and ordering Clause (A) and also in the 4th line of ordering Clause (B) insert the word "Substitute" before "Original Sheet No. 56-aa."

Joseph H. Gutride, Secretary.

[F.R. Doc. 60-817; Filed, Jan. 27, 1960; 8:45 a.m.]

[Docket No. G-15385 etc.]

OHIO OIL CO. ET AL.

Notice of Applications; Notice of Consolidation; Notice of Date of Hearina

JANUARY 21, 1960.

In the matters of The Ohio Oil Company, Operator, et al., Docket No. G-15385; Southwest Natural Production Company, Docket Nos. G-15460, G-

See footnotes at end of document.

19112; James R. Nowery and B. M. Nowery, Jr., Docket No. G-16190; Norman V. Kinsey, Jr., et al., Docket No. G-16278; L. L. Robinson, et al., Docket No. G-16457; Hunt Oil Company, Docket No. G-16737; Hassie Hunt Trust, Docket No. G-16763; Pan American Petroleum Corporation, Docket No. G-17028; Monsanto Chemical Company, Docket No. G-17519; The Atlantic Refining Company, Docket No. G-18572; T. L. James & Company, Inc., Docket No. G-19408; Jack W. Grisby, Operator, et al., Docket No. G-19705; Robert F. Roberts, Docket No. G-19810.

Each of the above Applicants has filed an application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing each to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the respective applications which are on file with the Commission and open to public inspection.

The respective Applicants propose to sell natural gas to United Gas Pipe Line Company (United) for transportation in interstate commerce for resale from production in The Ada and Bryceland Areas, Bienville Parish, Louisiana, The Calhoun Area in Ouachita Parish, Louisiana, and the Simsboro Field, Lincoln Parish, Louisiana.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before April 1, 1960.

These related matters should be heard on a consolidated record under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on April 11, 1960, at 10:00 a.m., e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by said application.

Joseph H. Gutride, Secretary.

¹The Ohio Oil Company (Ohio) filed in Docket No. G-15385 for authorization (1) to sell natural gas, attributable to Ohio's working interest to United from certain acreages in The Ada Area pursuant to a gas sales contract dated June 10, 1958, between Ohio and United and (2) to sell natural gas, attributable to the working interest of Ohio (Operator), Calder & Kelly, Inc., L. L. Robinson and Don P. Miller (non-operator), to United from the J. W. Shaffer, et al., W. L. Hammer, et al., and L. M. White, et al., units pursuant to a gas sales contract dated July 3, 1958, between Southwest Natural Producing Company, seller, and United, buyer. Ohio, et al., acquired said interests by assignment from Veilki Beckerek Corporation (Assignee of Southwest) dated October 31, 1958. Amendments to the application filed December 24, 1958 and January 29, 1959, request postponement of any action pending transfer of interest as stated above and incorporation of such transfer, respectively.

The gas purchase contract in Docket No. G-15460 contains an amendment filed on February 13, 1959, deleting from original application certain acreage assigned to Veliki Beckerek Corporation by instrument dated October 31, 1958.

³ Norman V. Kinsey, Jr., is filing on Docket No. G-16278 both for himself and on behalf of the co-owner, N. V. Kinsey, and both are signatory seller partles to the related gas sales contract.

⁴Docket No. G-16457 covers a joint application filed on behalf of L. L. Robinson, Don P. Miller and C. P. Talbot by their Attorney, John M. Shuey, and the three co-owners are signatory seller parties to the related gas sales contract.

⁵ Hassie Hunt Trust, Applicant in Docket No. G-16763, is signatory to the related gas sales contract through the signature of W. H. Hunt, Trustee.

⁶ Docket No. G-19705 consists of a joint application filed on behalf of the operator and co-owner, Jack W. Grisby, and co-owners John Franks and Harvey Broyles. Signatory to the gas purchase contract in addition to the above-mentioned parties are David Crowand Charles McCord.

[F.R. Doc. 60-818; Filed, Jan. 27, 1960; 8:46 a.m.]

[Docket Nos. G-15530, G-16804, RI60-61]

TEXACO SEABOARD, INC.

Order Denying Request for Cancellation of Rate Schedule and Related Certificate Proceeding, Considering Such Request as a Change in Rate and Providing for Hearing on and Suspension of the Change; and Granting Motion To Terminate Rate Proceeding

JANUARY 21, 1960.

On December 22 and 24, 1959, Texaco Seaboard, Inc. (Seaboard) tendered for filing a notice of termination of its FPC Gas Rate Schedule No. 25 and an informal protest to the issuance of a related certificate in pending Docket No. G-15530 involving a sale of casinghead gas to West Lake Natural Gasoline Company (West Lake) in the South Lake Trammell Field, Nolan County, Texas. The residue gas therefrom is resold to El Paso Natural Gas Company, of which West Lake is a wholly-owned subsidiary.

In its filings, Seaboard states that effective January 22, 1960, the percentage portion of the pricing previsions of its contract will become operative and thus the rate schedule and certificate proceeding should be cancelled. Seaboard's contract with West Lake, dated February 27, 1956, provides that seller shall be paid 50 percent of the amount buyer receives for residue gas sold, but also sets forth specific minimum prices per Mcf at 14.65 psia over its ten-year term equal to 50 percent of the following: 10.0 cents until December 31, 1957; 11.0 cents from January 1, 1958 through December 31, 1962; and 12.0 cents thereafter. Such schedule of specific minimum prices coincides with one-half of the contract rate to which West Lake is entitled during such ten-year period.

In support of its contention, Seaboard cites the Commission's rejection of Texaco Inc.'s FPC Gas Rate Schedule No. 162 and vacation of the related certifi-

cate issued in Docket No. G-12317, and states that the sale of gas involved will become a percentage sale as defined in § 154.91(e) of the regulations under the Natural Gas Act, commencing January 22, 1960. In this regard, it should be noted that Texaco Inc.'s rate schedule was rejected and the certificate vacated for the reason that the contract involved merely provided a price of 50 percent of the price received by the buyer, but not less than 5.0 cents per Mcf, and that it appeared that the interests of all parties could be amply protected by controlling the buyer's resale rate.

West Lake has filed to place in effect, subject to refund, a favored-nation increased rate of 13.9836 cents per Mcf which was suspended in Docket No. G-19156 until January 22, 1960. Inasmuch as West Lake's increase is involved in a suspension proceeding and may ultimately be disallowed, Seaboard should also be required to file for its proportionate part of said increase and have it conditioned similarly so that West Lake will be assured of regaining the sum it pays Seaboard if West Lake's increase is not allowed.

as other producers Accordingly, selling to West Lake under similar contracts have filed revenue-sharing increases, reflecting West Lake's favorednation increase to El Paso to become effective subject to refund on January 22, 1960, which were suspended, it is considered (1) that Seaboard's subject filings should be considered as an increased rate proposal and not as a percentage sale as defined by said § 154.91(e) of the regulations; (2) that the subject filings herein considered as an increased rate proposal should be designated as Supplement No. 2 to Seaboard's FPC Gas Rate Schedule No. 25, subject to conditions hereinafter provided; (3) that said Supplement No. 2 should be suspended for one day from January 22, 1960, the date of expiration of statutory notice and also the date West Lake's increase to El Paso will become effective subject to refund; and (4) that the increased rate and charge contained in said Supplement No. 2 may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful.

On January 4, 1960, Seaboard filed its petition requesting the Commission to terminate the proceeding in Docket No. G-16804 and to permit Supplement No. 1 to Seaboard's FPC Gas Rate Schedule No. 25 involved therein to continue in effect without obligation to refund. In support of its petition. Seaboard cites the Commission's action terminating proceedings In the Matter of The Pure Oil Company, Docket Nos. G-14049, et al., which involved certain similar sales at the identical rate.

Said Supplement No. 1 proposed a 0.5 cent per Mcf periodic increase to a rate of 5.5 cents per Mcf and was placed in effect subject to refund on December 17, 1958. Seaboard states that it has collected about \$56 subject to refund under said Docket No. G-16804. Accordingly, in view of our related actions and the de minimus nature of the amounts involved, it is further considered that said Supplement No. 1 should be allowed to

continue in effect as of December 17, 1958, without obligation to refund, that the agreement and undertaking therefor should be discharged and that the proceeding in Docket No. G-16804 should be terminated.

The Commission finds:

(1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission should (a) deny Seaboard's request for cancellation of its FPC Gas Rate Schedule No. 25 and related certificate proceeding pending in Docket No. G-15530; (b) consider the aforementioned December 22 and 24, 1959 filings of Seaboard as a change in rate, designated as Supplement No. 2 to Seaboard's FPC Gas Rate Schedule No. 25, Provided, however, That Seaboard submit the material necessary to conform such filings to that prescribed for notices of change of rate in the Natural Gas Act and the Regulations Under The Natural Gas Act; (c) enter upon hearings concerning the lawfulness of said Supplement No. 2 and suspend said Supplement No. 2 and defer the use thereof as hereinafter provided; and (d) require undertaking.

(2) Good cause has been shown for permitting Supplement No. 1 to Seaboard's FPC Gas Rate Schedule No. 25 to continue in effect as of December 17, 1958, without obligation to refund any amounts collected thereunder, for discharging the agreement and undertaking filed in Docket No. G-16804, and for terminating the proceeding in Docket No. G-16804.

The Commission orders:

(A) Seaboard's request for cancellation of its FPC Gas Rate Schedule No. 25 and related certificate proceeding pending in Docket No. G-15530 is denied.

(B) Seaboard's December 22 and 24, 1959 filings are considered as a change in rate and are designated Supplement No. 2 to Seaboard's FPC Gas Rate Schedule No. 25; Provided, however, That Seaboard submit the material necessary to conform such filings to that prescribed for notices of change of rate in the Natural Gas Act and the Regulations under the Natural Gas Act.

(C) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR, Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed rate and charge contained in Supplement No. 2 to Seaboard's FPC Gas Rate Schedule No. 25.

(D) Pending such hearing and decision thereon, said Supplement No. 2 be and is hereby suspended and the use thereof deferred until January 24, 1960, and until such further time as each is made effective in the manner hereinafter prescribed.

(E) The rate, charge, and classification set forth in said Supplement No. 2 shall be effective as of January 24, 1960: Provided, however, That within 20 days from the date of this order, Seaboard shall execute and file with the Secretary of the Commission the agreement

continue in effect as of December 17, "and undertaking described in paragraph 1958, without obligation to refund, that (E) below.

(F) Seaboard shall refund at such times and in such amounts to the persons entitled thereto, and in such manner as may be required by final order of the Commission, the portion of the rates found by the Commission in Docket No. RI60-61 not justified, together with interest thereon at the rate of six percent per annum from the date of payment to West Lake until refunded; shall bear all costs of any such refunding; shall keep accurate accounts in detail of all amounts received by reason of the rate of charge allowed by this order to become effective, for each billing period, specifying by whom and in whose behalf such amounts were paid: and shall report (original and one copy), in writing and under oath, to the Commission monthly, or quarterly if Seaboard so elects, for each billing period, and for each purchaser, the billing determinants of natural gas sales to such purchasers and the revenues resulting therefrom, as computed under the rate in effect immediately prior to the date upon which the rate allowed by this order becomes effective, and under the rate allowed by this order to become effective, together with the differences in the revenues so computed.

(G) As a condition of this order, within 20 days from the date of issuance thereof, Seaboard shall execute and file in triplicate with the Secretary of this Commission its written agreement and undertaking to comply with the terms of paragraph (D) hereof, signed by a responsible officer of the corporation, evidenced by proper authority from the board of directors, and accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedule involved, as follows:

Agreement and Undertaking of_____ to Comply With the Terms and Conditions of Paragraph (D) of the Federal Power Commission's Order Making Effective Proposed Rate Changes

In conformity with the requirements of the order issued _____, in Docket No. G_____, hereby agrees and undertakes to comply with the terms and conditions of paragraph (D) of said order, and has caused this agreement and undertaking to be executed and sealed in its name by its officers, thereupon duly authorized in accordance with the terms of the resolution of its board of directors, a certified copy of which is appended hereto this day of

TEXACO SEABOARD, INC.

Unless Seaboard is advised to the contrary within 15 days after the date of filing such agreement and undertaking, its agreement and undertaking shall be deemed to have been accepted.

(Secretary)

Attest:

(H) If Seaboard, in conformity with the terms and conditions of paragraph (D) of this order, makes such refunds as may be required by order of the Commission, it shall be discharged of its undertaking; otherwise, it shall remain in full force and effect.

(I) Neither the supplement hereby suspended nor the rate schedule sought

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to be altered thereby shall be changed until the periods of suspension have expired, unless otherwise ordered by the Commission.

(J) Interested Staté commissions may participate as provided by §§ 1.8 and 1.37(f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37(f))

(K) Supplement No. 1 to Seaboard's FPC Gas Rate Schedule No. 25, is hereby permitted to continue in effect as of December 17, 1958, without obligation to refund any amounts collected thereunder, and the agreement and undertaking in Docket No. G-16804 is discharged.

(L) The proceeding in Docket No. G-16804 is terminated.

By the Commission.

JOSEPH H. GUTRIDE, Secretary.

[F.R. Doc. 60-819; Filed, Jan. 27, 1960; 8:46 a.m.]

OFFICE OF CIVIL AND DEFENSE **MOBILIZATION**

SAM M. EWING

Appointee's Statement of Business Interests

The following statement lists the names of concerns required by section 710(b)(6) of the Defense Production Act of 1950, as amended.

No change since last report, published July 23, 1959 (24 F.R. 5926).

Dated: January 9, 1960.

SAM M. EWING.

[F.R. Doc. 60-811; Filed, Jan. 27, 1960; 8:45 a.m.]

C. F. OGDEN

Appointee's Statement of Business Interests

The following statement lists the names of concerns required by section 710(b)(6) of the Defense Production Act of 1950, as amended.

Domestic Stocks: Aeroquip Corporation. American Airlines, Inc. Aluminum, Ltd. The Detroit Edison Company. Dow Chemical Company. Fundamental Investors, Inc. General Dynamics. General Electric Company. Glenn L. Martin Company. McLouth Steel. Parke Davis & Company. Phillips Petroleum. Rayonier, Inc. Republic Steel Corporation. Sperry Rand Corporation. Texas Gas Transmission. Canadian Stocks: Britalta Petroleums, Ltd. New Athona Mines, Ltd. Scurry Rainbow Oil, Ltd. Rayrock Mines, Ltd.

This amends statement published iron, building material, petroleum prod-July 9, 1959 (24 F.R. 5557).

Dated: January 5, 1960.

C. F. OGDEN.

[F.R. Doc. 60-812; Filed, Jan. 27, 1960; 8:45 a.m.]

INTERSTATE COMMERCE **COMMISSION**

[Notice 256]

MOTOR CARRIER TRANSFER **PROCEEDINGS**

JANUARY 25, 1960

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulationsprescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their

petitions with particularity.

No. MC-FC 62843. By order of January 21, 1960, the Transfer Board approved the transfer to Rosario Puleio and Rocco Mammucari, doing business as R and R Trucking Co., Blue Anchor, N.J., of Certificate No. MC 26404 Sub 1, issued February 23, 1956, to George J. Deal, Hammonton, N.J., authorizing the transportation of: Metal cabinets and metal wardrobes, uncrated from Philadelphia, Pa., to points in Connecticut, Massachusetts, Rhode Island, North Carolina, West Virginia, and those in Maryland and Virginia west of U.S. Highway 1, and metal furniture, from Philadelphia, Pa., to points in Delaware, New York, New Jersey, and the District of Columbia, and those in Maryland and Virginia on and east of U.S. Highway 1. John H. Derby, 1201 Chestnut Street, Philadelphia 7, Pa., for applicants.

No. MC-FC 62754. By order of January 21, 1960, the Transfer Board approved the transfer to Dayle Boosinger, doing business as D & L Freight Service, Neosho Rapids, Kans., of Certificate No. MC 1019, issued September 17, 1956, to Warren E. Brown, Emporia, Kans., authorizing the transportation of: Livestock, between Emporia, Kans., and points within 25 miles of Emporia, on the one hand, and, on the other, St. Joseph, Mo., from Emporia, Kans., and points within 25 miles of Emporia, to Kansas City, Kans., and Kansas City, Mo.; livestock, feed, building material, hardware. pipe, automobile supplies, and oil and grease, in containers, from Kansas City, Mo., to Emporia, Kans., and points within 25 miles of Emporia; livestock, seed, feed, wool, roofing, nails, galvanized ucts in containers, batteries, tires, farm machinery and parts therefor, binder twine, wire, and agricultural implements and parts therefor, between points on and south of U.S. Highway 50N in Lyon County, Kans., and those on and south of U.S. Highway 50N in Morris and Chase Counties, Kans., within four miles of Lyon County, between points in the Kansas territory described immediately above, on the one hand, and, on the other, St. Joseph, Kansas City, and North Kansas City, Mo., and Kansas City, Kans.; empty containers, from Emporia, Kans., to Kansas City, and North Kansas City, Mo.; livestock, grain, and seed, from Americus, Kans., and points within 10 miles of Americus, to Kansas City, Kans., and Kansas City and St. Joseph, Mo.; and livestock, feed, building materials, furniture, and agricultural implements and parts, from Kansas City, Kans., and Kansas City and St. Joseph, Mo., to Americus, Kans., and points within 10 miles of Americus. Wade A. Myers, Courthouse, Emporia, Kansas, for applicants.

No. MC-FC 62771. By order of January 21, 1960, the Transfer Board approved the transfer to Peter Lightstone, doing business as Mid-Island Moving & Storage Co., Wantagh, N.Y., of Certificate in No. MC 103047, issued September 7, 1949, to Patsy Sciallo and Dominic Sciallo, a partnership, doing business as Sunrise Storage Company, Roosevelt. N.Y., authorizing the transportation of: Household goods between points in Nassau and Suffolk Counties, N.Y., on the one hand, and, on the other, points in New York, Massachusetts, Rhode Island. Maine, New Hampshire, Vermont, Delaware, Maryland, Virginia, and the District of Columbia. Between points in Nassau and Suffolk Counties, N.Y., on the one hand, and, on the other, points in Connecticut, New Jersey, and Pennsylvania. Jerome G. Greenspan, Attorney at Law, 92 Liberty Street, New York 6, N.Y.

No. MC-FC 62848. By order of January 21, 1960, the Transfer Board approved the transfer to Bay View Bus Line, Inc., Sister Bay, Wis., of Certificates Nos. MC 62378 Sub 1 and MC 62378 Sub 3, issued March 1, 1941 and May 16, 1949, respectively, to Ernest R. Isaacson, doing business as Lake & Bay View Bus Line, Sister Bay, Wis., authorizing the transportation of: Passengers and their baggage, restricted to traffic originating in the territory indicated, in round-trip or one-way charter operations, from points in Door and Kewaunee Counties. Wis., to points in Minnesota and Illinois, and those in the northern peninsula of Michigan, and passengers and their baggage, and express, mail, and newspapers, in the same vehicle with passengers, between Manitowoc and Gills Rock, Wis., between Wisconsin Highways 42 and 47, and Sister Bay, Wis., and between Kewaunee and Green Bay, Wis., with service to and from all points on the designated highways. Herbert W. Johnson, 233 North Third Avenue, Sturgeon Bay, Wis., for applicants.

No. MC-FC 62865. By order of January 20, 1960, the Transfer Board approved the transfer to Roy R. Caswell. Louisburg, Kans., of the operating rights of Olin P. Roberts, doing business as Bucyrus Transfer, in Certificate No. MC 29607, issued August 4, 1953, authorizing the transportation, over regular routes, of general commodities, excluding household goods and commodities in bulk, from Kansas City, Mo., to Bucyrus, Kans., feed, agricultural implements, fertilizer, fencing and building material, roofing, and lumber, from Kansas City, Mo., to Bucyrus, Kans., livestock, from Bucyrus, Kans. ,to Kansas City, Mo., and from Louisburg, Kans., to Kansas City, Mo., livestock, lumber, building materials, feed, fertilizer, fencing materials, agricultural implements and parts, salt, furniture, and petroleum products, in containers, from Kansas City, Mo., to Bucyrus, Mo., livestock, feed, seeds, fertilizer, and twine, from Kansas City, Mo., to Louisburg, Kans., and over irregular routes, grain, from Bucyrus, Kans., and points within 20 miles thereof, to points in Missouri within 10 miles of the Kansas-Missouri State Line, wrecked automobiles, from Bucyrus, Kans., to Kansas City, Mo., road construction machinery, from Kansas City, Mo., to points in Kansas, logs, from points in Kansas to Kansas City. Mo., and from points in Missouri within 50 miles of a Kansas City, Kans., to Kansas City, Kans., livestock, between Bucyrus, Kans., and points within 20 miles thereof on the one hand, and, on the other, Kansas City, Kans., and Kansas City, Mo., household goods, between Bucyrus, Kans., and points within 20 miles thereof, on the one hand, and, on the other, points in Missouri, and between Bucyrus, Kans., and points within 15 miles thereof, on the one hand, and. on the other, Kansas City, Kans.

[SEAL]

HAROLD D. McCoy, Secretary.

[F.R. Doc. 60-836; Filed, Jan. 27, 1960; 8:49 a.m.]

[Notice 306]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

JANUARY 22, 1960.

The following publications are governed by the Interstate Commerce Commission's general rules of practice including special rules (49 CFR 1.241) governing notice of filing of applications by motor carriers of property or passengers or brokers under sections 206, 209 and 211 of the Interstate Commerce Act and certain other proceedings with respect thereto.

All hearings will be called at 9:30 o'clock a.m., United States standard time unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEAR-ING OR PRE-HEARING CONFERENCE

MOTOR CARRIERS OF PROPERTY

No. MC 3094 (Sub No. 11), filed December 28, 1959. Applicant: SERV-ICE MOTOR FREIGHT, INC., 700 Clements Bridge Road, Barrington, N.J. Ap-

plicant's attorney: Clarence D. Todd, 1825 Jefferson Place NW., Washington 6, D.C. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: (1) Fiberglass materials and products, including fibrous glass mineral wool products and fiberglass textile materials and products, and plastic materials and products, except liquid commodities, in bulk, in tank vehicles, between Barrington, N. J., on the one hand, and, on the other, points in Virginia, Maryland, Massachusetts, Connecticut, Rhode Island, Delaware, Pennsylvania, New Jersey, New York, and the District of Columbia; and (2) Materials, supplies and machinery, used in the manufacture, packing, and distribution of the above-named products, from points in New Jersey, New York, Pennsylvania, Virginia, Maryland, Massachusetts, Connecticut, Rhode Island, Delaware, Georgia, Illinois, Indiana, Kentucky, Maine, New Hampshire, North Carolina, South Carolina, Ohio, Tennessee, West Virginia, Vermont, the Lower Peninsula of Michigan, and the District of Columbia, to Barrington, N.J. Applicant is authorized to conduct operations in Connecticut, Delaware, Georgia, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, and the District of Columbia.

Note: Any duplication with present authority to be eliminated. Applicant states the proposed transportation is to be performed under a continuing contract with Owens-Corning Fiberglass Corporation of Toledo, Ohio.

HEARING: February 29, 1960, at the offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Gerald F. Colfer:

No. MC 3874 (Sub No. 1) (CLARIFI-CATION) FILM EXCHANGE TRANS-FER CO., INC., 13½17 Piedmont Street, Boston 16, Mass., filed October 7, 1959, published in the Federal Register of December 23, 1959. As originally published the notice indicated the proposed operations would be conducted over irregular routes. Applicant's attorney, Charles W. Singer, advises that certain of the proposed operations will be conducted on a scheduled basis.

HEARING: Remains as assigned February 10, 1960, at the New Post Office and Court House Building, Boston, Mass., before Examiner Garland E. Taylor.

No. MC 11185 (Sub No. 115), filed November 2, 1959. Applicant: J-T TRANSPORT COMPANY, INC., 3501 Manchester Trafficway, Kansas City, Mo. Applicant's attorney: James W. Wrape, 2111 Sterick Building, Memphis, Tenn. Authority sought to operate as as a contract carrier, by motor vehicle, over irregular routes, transporting: Aircraft assemblies requiring special handling and equipment because of their delicate and fragile nature, from Tulsa, Okla., to Wichita, Kans. Applicant is authorized to conduct operations throughout the United States.

Note: Common control, and dual operations under section 210 may be involved.

HEARING: March 2, 1960, at the New Hotel Pickwick, Kansas City, Mo., before Joint Board No. 39.

No. MC 30837 (Sub No. 271), filed January 5, 1960. Applicant: KENOSHA AUTO TRANSPORT CORPORATION, 4519 76th Street, Kenosha, Wis. Applicant's attorney: Paul F. Sullivan, Sundial House, 1821 Jefferson Place NW., Washington 6, D.C. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Portable air compressors, from Painted Post, N.Y., and drilling machines, uncrated, from Phillipsburg, N.J., to points in the United States, including Alaska, but excluding Hawaii. Applicant is authorized to conduct operations throughout the United States.

HEARING: March 1, 1960, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Maurice S. Bush.

No. MC 43038 (Sub No. 423), filed December 14, 1959. Applicant: COMMER-CIAL CARRIERS, INC., 3399 East Mc-Nichols Road, Detroit 12, Mich. Applicant's attorney: Donald W. Smith, 511 Fidelity Building, Indianapolis 4, Ind. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Trucks, truck tractors, and truck chassis, in secondary movements, by driveaway and truckaway, between points in Utah and Wyoming. Applicant is authorized to conduct operations in Alabama, Colorado, the District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New York, North Carolina, Ohio, Oklahoma, Oregon, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, Washington, West Virginia, Wisconsin, and Wyoming.

HEARING: March 2, 1960, at the Utah Public Service Commission, Salt Lake City, Utah, before Joint Board No. 85.

No. MC 61403 (Sub No. 49), filed December 23, 1959. Applicant: THE MASON AND DIXON TANK LINES, INC., Wilcox Drive, Kingsport, Tenn. Applicant's attorneys: S. S. Eisen and W. C. Mitchell, 140 Cedar Street, New York 6, N.Y. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Chemicals, in bulk, in tank vehicles, from points in Kanawha County, W. Va., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, and the District of Columbia. Applicant is authorized to conduct operations in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin. and the District of Columbia.

HEARING: March 1, 1960, at the Offices of the Interstate Commerce Com-

mission, Washington, D.C., before PEMBERTON CORPORATION, 2007 Examiner Harold P. Boss. University Avenue, NW., Knoxville 2,

No. MC 61623 (Sub No. 11), filed December 23, 1959. Applicant: GATE CITY TRANSPORT COMPANY, a corporation, 13401 Eldon Avenue, Detroit 34, Mich. Applicant's attorney: Wilmer A. Hill, Transportation Building, Washington 6, D.C. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Motor vehicles, except trailers, in secondary movements, by driveaway or truckaway, from Chattanooga, Knoxville, Memphis and Nashville, Tenn., Atlanta, Ga., and Charleston, S.C., to points in North Carolina and South Carolina. Applicant is authorized to conduct operations in Michigan, North Carolina, South Carolina, Ohio, Virginia, and West Virginia.

NOTE: Applicant states the proposed operations shall be restricted to traffic which has had a prior rail movement from origin points in Michigan.

HEARING: February 24, 1960, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Abraham J. Essrick

aminer Abraham J. Essrick.
No. MC 87730 (Sub No. 21), filed December 22, 1959. Applicant R. W. BO-ZEL TRANSFER, INC., 414 West Cam-den Street, Baltimore, Md. Applicant's attorney: Donald E. Cross, Munsey Building, Washington 4, D.C. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Perishable food and foodstuffs, in vehicles equipped with mechanical refrigeration, between Baltimore, Md., and Washington, D.C., on the one hand, and, on the other, Richmond, Smithfield, Norfolk, Newport News, Petersburg, Fredericksburg, Quantico, Fort Eustis and Camp Lee, Va. Applicant is authorized to conduct operations in Maryland, Pennsylvania, Delaware, Virginia, West Virginia, North Carolina, South Carolina, Florida, Georgia, Louisiana, and the District of Florida. Columbia.

HEARING: March 8, 1960, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Joint Board No. 68.

No. MC 94265 (Sub No. 71), filed January 5, 1960. Applicant: BONNEY MO-TOR EXPRESS, INC., P.O. Box 12388, Thomas Corner Station, Norfolk, Va. Applicant's attorney: Wilmer B. Hill, Transportation Building, Washington, D.C. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Frozen foods, from Crozet, Va., to points in Iowa. Applicant is authorized to conduct operations in Alabama, Delaware, District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Massa-chusetts, Michigan, Minnesota, Missouri, Nebraska, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, West Virginia, and Wisconsin.

HEARING: March 9, 1960, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Lacy W. Hinely.

No. MC 102541 (Sub No. 10), filed January 5, 1960. Applicant: NEWMAN

University Avenue, NW., Knoxville 2, Tenn. Applicant's attorney: Dale C. Dillon, 1825 Jefferson Place NW., Washington 6, D.C. Authority sought to operate as a common or contract carrier, by motor vehicle, over irregular routes, transporting: Canned or preserved foodstuffs, including coffee, tea, peanut butter, salad dressings, and dog and cat food, and materials, equipment and supplies used in the production, sale and distribution of canned goods and dog or cat food, (1) between points in Anderson, Blount, Campbell, Cocke, Jefferson, Hamblen, Knox, Monroe and Sevier Counties, Tenn., on the one hand, and, on the other, points in Alabama, Arkansas, Delaware, Florida, Georgia, Indiana, Illinois, Iowa, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Missouri, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Virginia, West Virginia, Wisconsin, and the District of Columbia, and (2) between Blytheville, Ark., on the one hand, and, on the other, points in Alabama, Delaware, Florida, Georgia, Indiana, Illinois, Iowa, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Missouri, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, West Virginia, Wisconsin, and the District of Columbia. Applicant is authorized to conduct operations in Georgia, Illinois, Indiana, Kentucky, Michigan, Mississippi, North Carolina, Ohio, Pennsylvania, Tennessee, and West Virginia.

Note: A proceeding has been instituted under section 212(c) of the Interstate Commerce Act to determine whether applicant's status is that of a contract or common carrier in No. MC 102541 (Sub No. 6).

HEARING: March 2, 1960, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Alfred B. Hurley.

No. MC 103993 (Sub No. 127), filed January 4, 1960. Applicant: MORGAN DRIVE-AWAY, INC., 500 Equity Building, Elkhart, Ind. Applicant's attorney: John E. Lesow, 3737 North Meridian Street, Indianapolis 8, Ind. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Trailers, designed to be drawn by passenger automobiles, in initial movements, in truckaway service, from points in Tennessee to all points in the United States, including Alaska. Applicant is authorized to conduct operations throughout the United States.

HEARING: February 8, 1960, at the Dinkler-Andrew Jackson Hotel, Nashville, Tennessee, before Examiner John B. Mealy.

No. MC 104004 (Sub No. 148), filed December 14, 1959. Applicant: AS-SOCIATED TRANSPORT, INC., 380 Madison Avenue, New York 17, N.Y. Authority sought to operate as a common carrier, by motor vehicle, over a regular route, transporting: General commodities, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those in-

jurious or contaminating to other lading, between Franklin, Va., and Windsor, Va., over U.S. Highway 258, serving no intermediate points, as an alternate route for operating convenience only, in connection with applicant's authorized regular route operations between Franklin, Va., and Richmond, Va., by way of Suffolk, Va. Applicant is authorized to conduct operations in Connecticut, Delaware, Georgia, Maryland, Massachusetts, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Cisland, South Carolina, Tennessee, Virginia, and the District of Columbia.

HEARING: March 9, 1960, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Joint

Board No. 108.

No. MC 109638 (Sub. No. 13), filed December 31, 1959. Applicant: WOOD-ROW EVERETTE, doing business as W. EVERETTE TRUCK LINE, Washington, N.C. Applicant's attorney: John C. Goddin, State-Planters Bank Building. Richmond 19, Va. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Pallets, boxes, and crates, assembled, disassembled and unassembled. from points in North Carolina on and east of U.S. Highway 301, to points in Virginia, Pennsylvania, New York, Louisiana, Georgia, South Carolina, Florida, Mississippi, Alabama, Tennessee, Kentucky, West Virginia, Ohio, the District of Columbia, Maryland, Delaware, New Jersey, Connecticut, Massachusetts, New Hampshire, Maine, Rhode Island, and Vermont; and *lumber*, except plywood and veneer, from points in the abovenamed destination States, to points in North Carolina. Applicant is authorized to conduct operations in North Carolina, South Carolina, Virginia, Delaware, New Jersey, New York, the District of Columbia, Maryland, Pennsylvania, West Virginia, Georgia, Alabama, Mississippi, Tennessee, Connecticut, Ohio, Florida, Kentucky, Massachusetts, and New Hampshire.

HEARING: March 2, 1960, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner C. Evans Brooks

aminer C. Evans Brooks.

No. MC 110698 (Sub No. 135), filed January 18, 1960. Applicant: RYDER TANK LINE, INC., P.O. Box 457, Greensboro, N.C. Applicant's attorney: Frank B. Hand, Jr., 522 Transportation Building, Washington 6, D.C. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Chemicals, in bulk, in tank vehicles, from points in Kanawha County, W. Va., to points in Delaware, District of Columbia, Maryland, New Jersey, New York, and Pennsylvania.

NOTE: Applicant is presently authorized to handle traffic from points in Kanawha County, W. Va., to points in Delaware, District of Columbia, Maryland, New Jersey, New York, and Pennsylvania but must travel via gateways of Franklin or Hopewell, Va. or Greensboro, N.C. The primary purpose of this application is to eliminate these gateways.

HEARING: March 1, 1960, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Harold P. Boss.

No. MC 111320 (Sub No. 42), filed December 21, 1959. Applicant: CURTIS KEAL TRANSPORT COMPANY, INC., East 54th Street and Cleveland Shoreway, Cleveland, Ohio. Applicant's representative: G. H. Dilla, 3350 Superior Avenue, Cleveland 14, Ohio. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Freight automobiles. trucks, busses, and chassis, parts and accessories thereof, and those described in 61 MCC 209 and 766 via driveaway and truckaway service, from Montpelier, Ohio to all points in the United States including Alaska, and damaged, rejected, refused, or for-trade-in purposes, on return. Applicant is authorized to conduct operations throughout the United States.

HEARING: February 19, 1960, at the Old Post Office Building, Public Square and Superior Avenue, Cleveland, Ohio, Before Examiner Allen W. Hagerty.

(CLARIFICATION)

No. MC 114211 (Sub No. 17), filed November 13, 1959, published January 13, 1960 issue of FEDERAL REGISTER. Applicant: DONALDSON TRANSFER COM-PANY, a corporation, 213 Witry Street, Waterloo, Iowa. Applicant's attorney: Charles W. Singer, 1825 Jefferson Place NW., Washington 6, D.C. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes transporting: Excavating, earth-moving and contractors equipment, including industrial lift trucks and industrial cranes, from Omaha, Nebr., and Fort Dodge, Iowa, to all points in the United States except Alaska and Hawaii. Applicant is authorized to conduct operations throughout the United States.

Note: Applicant states it proposes to transport other authorized and exempt commodities and rejected shipments, on return. The purpose of this republication is to clarify the commodity description.

HEARING: Remains as assigned, February 15, 1960, at the Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Examiner Reece Harrison.

No. MC 115495 (Sub No. 3), filed January 4, 1960. Applicant: UNITED PAR-CEL SERVICE, INC., 640 West Third Street, Cincinnati 2, Ohio, Applicant's attorneys: Bernard G. Segal and Irving R. Segal, 1719 Packard Building, Philadelphia 2, Pa. S. Harrison Kahn, 1110-14 Investment Building, Washington 5, D.C. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: General commodities, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between points in Illinois; Indiana; Ohio; that portion of Michigan within an area described as follows-from Detroit north along the Michigan State line to Port Huron, thence westerly along Michigan Highway 21 to Davison, northerly along Michigan Highway 15 to Bay City, westerly along Michigan Highway 20 to Mt. Pleasant, southerly along U.S.

Highway 27 to U.S. Highway 27 (alternate), southerly along U.S. Highway 27 (alternate) to Alma, easterly along U.S. Highway 27 (alternate) to U.S. Highway 27, southerly along U.S. Highway 27 to Ola, westerly along Michigan Highway 57 to the eastern boundaries of Kent and Muskegon Counties (including all of said counties), to Lake Michigan, southerly along the Michigan State line to the Indiana State line, easterly along the Michigan State line to the point of beginning; that portion of Wisconsin within an area described as followsbeginning at the Illinois-Wisconsin State line at Lake Michigan, thence northerly along the shore of Lake Michigan to and including Two Rivers, northerly on Wisconsin Highway 147 to U.S. Highway 141, northerly on U.S. 141 to and including Green Bay, southerly on U.S. Highway 41 to the northern boundary of Fond du Lac County, westerly and southerly around the boundary of Fond du Lac County to the northern boundary of Dodge County, westerly and southerly around Dodge County to U.S. Highway 151, southwesterly on U.S. 151 to the northern boundary of Dane County, westerly, southerly and easterly around the boundary of Dane County to the boundary of Green and Rock Counties, southerly to the Wisconsin-Illinois State line, and thence easterly to Lake Michigan; that portion of Missouri within an area described as follows-from St. Louis northwesterly along the Mississippi River to Hannibal, thence northerly along Missouri Highway 168 to U.S. Highway 24-*1, southerly along U.S. 24-61 to U.S. Highway 36, easterly along U.S. 36 to U.S. Highway 168 to U.S. Highway 24-61, southsouri Highway 19, southwesterly and southerly along Missouri 19 to U.S. Highway 54, westerly along U.S. 54 to Missouri Highway 22, westerly along Missouri 22 to U.S. Highway 63, northerly along U.S. 63 to U.S. Highway 24, westerly along U.S. 24 to Missouri Highway 3, southerly along Missouri 3 to Missouri Highway 240, southerly along Missouri 240 to the Missouri River, southeasterly along the Missouri River to Jefferson City, southeasterly along U.S. Highway 63 to Rolla. easterly along U.S. 63 to U.S. Highway 66, easterly along U.S. 66 to Missouri Highway 68, southerly along Missouri 68 to Missouri Highway 8, easterly along Missouri 8 to Missouri Highway 21. southerly along Missouri 21 to Missouri Highway 72, southeasterly along Missouri 72 to the Mississippi River, and thence northwesterly along said river to the point of beginning; and Davenport, Clinton, and Dubuque, Iowa, and all points of the highways, on county lines which do not coincide with state lines, and on imaginary lines included in the foregoing description of territory. Applicant is authorized to conduct operations from Chicago, Ill., to specified points in Iowa, Michigan, Indiana, Illinois, and Wisconsin.

Note: Applicant is also authorized to conduct contract carrier operations under Permit MC 13426; therefore, dual operations may be involved. Applicant indicates the following restrictions in connection with the proposed operations herein: (a) No service shall be rendered in the transportation of

any package or article weighing more than 50 pounds or exceeding 108 inches in length and girth combined, and each package or article shall be considered as a separate and distinct shipment; and (b) no service shall be rendered between department stores, specialty shops and retail stores and the branches or warehouses of such stores, or between department stores, specialty shops and retail stores or the branches or warehouses thereof, on the one hand, and, on the other, the premises of the customers of such stores.

PRE-HEARING CONFERENCE: February 26, 1960, at the Offices of the Interstate Commerce Commission, Washington, D.C., with Examiner James C. Cheseldine presiding.

At the prehearing conference the following will be discussed: (1) The issues generally with a view to their simplification; (2) The possibility and desirability of agreeing upon special procedure to expedite and control the handling of this application, including the submission of the supporting and opposing shipper testimony by verified statements; (3) The time and place or places of such hearing or hearings as may be agreed upon; (4) The number of witnesses to be presented and the time required for such presentations by both applicant and protestants; (5) The practicability of both applicant and the opposing carriers submitting in written form their direct testimony with respect to: (a) Their present operating authority, (b) Their corporate organizations if any, ownership and control, (c) Their fiscal data, (d) Their equipment, terminals, and other facilities; (6) The practicability and desirability of all parties exchanging exhibits covering the immediately above-listed matters in advance of any hearing; and (7) Any other matters by which the hearing can be expedited or simplified or the Commission's handling thereof aided.

No. MC 117970 (REPUBLICATION), filed December 4, 1958, published in the FEDERAL REGISTER, issue of February 4, 1959. Applicant: A. D. STUCKER, Jackson Township, R.D. No. 1, Susquehanna, Pa. By application filed December 4, 1958, as amended, applicant sought a certificate authorizing operations as a common carrier by motor vehicle, of (1) coal, from Swoyersville, Pa., to Constableville, N.Y., (2) lime, in bags from Newton, N.J., to farm sites in Susquehanna County, Pa., and Broome and Chenango Counties, N.Y., (3) fertilizer, in bags, from South Kearny, Englishtown, and Carteret, N.J., to points in Susquehanna County, Pa., and Broome County, N.Y., (4) lumber (a) from Susquehanna County, Pa., to New York, N.Y., and (b) from Malone, Potsdam, Herkimer, Little Falls, and Cherry River, N.Y., to Scranton, Pa., and (5) flagstones, from Susquehanna County, Pa., to Sudbury, Mass., Hartford and New Haven, Conn., and points in New Jersey, except points in Camden, Atlantic, Cumberland, Cape May, Gloucester, and Salem Counties. A report and order of division 1, decided January 7, 1960, authorized the transportation in interstate commerce, as a common carrier, by motor vehicle, over irregular routes, as follows: (1) of coal, from Swoyersville,

Pa., to Constableville, N.Y., (2) of limestone and lime, in bags, from Newton N.J., and points within 20 miles thereof to points in Broome and Chenango Counties, N.Y., (3) of fertilizer, in bags, from Carteret, N.J., to points in Broome and Chenango Counties, N.Y., and (4) of lumber (a) from New Milford, Pa., to New York, N.Y., and (b) from Malone, Potsdam, Herkimer, Little Falls, Cherry River, N.Y., and points within 20 miles of each, to Scranton, Pa. The purpose of this republication is to advise that any person or persons who might have been prejudiced by the findings recited above, may, within 30 days from the date of this publication in the Federal Regis-TER, file an appropriate pleading.

MOTOR CARRIER OF PASSENGERS

No. MC 108811 (Sub No. 2), filed January 11, 1960. Applicant: RICHARD G. THOMAS, Lothian, Md. Applicant's attorney: S. Harrison Kahn, 1110-14 Investment Building, Washington, D.C. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Passengers and their baggage, in round trip charter operations, (1) from points in those parts of Anne Arundel and Prince Georges Counties, Md., bounded as follows: by a line beginning at the Chesapeake Bay Bridge approach on the west shore of the Chesapeake Bay and extending north along the shore of the Chesapeake Bay to its intersection with an imaginary line extending due east from the intersection of Maryland Highway 386 with Maryland Highway 2, thence along the aforesaid imaginary line west to its intersection with Maryland Highway 386, thence west along Maryland Highway 386 to its intersection with U.S. Highway 301 and thence south along U.S. Highway 301 to the Patuxent River, including points on the aforesaid real and imaginary boundary lines; and from points in Prince Georges County, Md., east of U.S. Highway 301 including points on that highway, to points in Pennsylvania, New Jersey, Delaware, Wirginia, the District of Columbia, New York, West Virginia, Ohio, North Carolina, Illinois, and Michigan, and return. (2) Beginning and ending at Annapolis, Md., or at points in Calvert County, Md., and extending to points in New York, West Virginia, Ohio, North Carolina, Illinois, and Michigan.

Note: Applicant seeks no duplicating operating authority.

HEARING: March 8, 1960, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner David Waters.

APPLICATIONS IN WHICH HANDLING WITH-OUT ORAL HEARING IS REQUESTED

MOTOR CARRIERS OF PROPERTY

No. MC 13636 (Sub No. 13), filed January 15, 1960. Applicant: ALBERT PITZER AND JANE PITZER, doing business as PITZER BROTHERS, Box 633, Jeannette, Pa. Applicant's attorney: S. Harrison Kahn, 1110-14 Investment Building, Washington, D.C. Authority sought to operate as a common or contract carrier, by motor vehicle, over irregular routes, transporting:

Malt and brewed beverages, from Latrobe, Pa., to Jamestown, N.Y., and empty containers or other such incidental facilities (not specified) used in transporting malt and brewed beverages on return.

Note: A proceeding has been instituted under section 212(c) in No. MC 13636 (Sub No. 12) to determine whether applicant's status is that of a common or contract carrier.

No. MC 35439 (Sub No. 6), filed Jan-1960. Applicant: HENRY JR., RAYMOND SAMPLE, uary 18, 1960. SAMPLE, JAMES McCULLOUGH, and JAMES T. NICHOLS, doing business as SAMPLE TRUCK LINE, Crossover Drive, Tupelo, Miss. Authority sought to operate as a common carrier, by motor vehicle, transporting: General commodities, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving Mantachie, Miss., as an off-route point in connection with applicant's authorized regular route operations between Memphis, Tenn., and Fulton, Miss., as described in Certificate No. MC 35439, Sheet 1, issued August

No. MC 66562 (Sub No. 1611), filed January 7, 1960. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York 17, N.Y. Applicant's attorney: Slovacek and Galliani, Suite 2800, 188 Randolph Tower, Chicago 1, Ill. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: General commodities, including Classes A and B explosives, moving in express service, limited to transportation of express shipments having a prior or subsequent haul by rail or air, between Rhinelander, Wis., and Land O'Lakes, Wis.: from Rhinelander over U.S. Highway 8 to Monico, Wis., and thence over U.S. Highway 45 to Land O'Lakes; also, from Rhinelander over Wisconsin Highway 17 to junction Wisconsin Highway 70, and thence over Wisconsin Highway 70 to Eagle River, Wis., and return over the same route, serving the intermediate points of Monico, Three Lakes, Eagle River, and Conover, Wis.

No. MC 66562 (Sub No. 1620), filed January 10, 1960. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York 17, N.Y. Applicant's Attorneys: Slovacek and Galliani, Suite 2800, 188 Randolph Tower, Chicago 1, Ill. Authority sought to operate as a common carrier, by motor vehicle, over a regular route, transporting: General commodities, including Classes A and B explosives, moving in express service, between St. Paul, Minn., and Omaha, Nebr., from St. Paul over Minnesota Highway 13 to junction Minnesota Highway 101, thence over Minnesota Highway 101 to junction U.S. Highway 169, thence over U.S. Highway 169 to junction Minnesota Highway 60, thence over Minnesota Highway 60 to the Minnesota-Iowa State line, thence over Iowa Highway 33 to junction Iowa Highway 10, thence over Iowa Highway 10 to Orange City, Iowa, thence return over Iowa Highway 10 to junction Iowa High-

way 33, thence over Iowa Highway 33 to . junction U.S. Highway 75, thence over U.S. Highway 75 to Sioux City, Iowa, thence continuing over U.S. Highway 75 to junction U.S. Highway 6, thence over U.S. Highway 6 to junction U.S. Highway 73, thence over U.S. Highway 73 to junction U.S. Highway 73-W, thence over U.S. Highway 73-W to junction Nebraska Highway 51, thence over Nebraska Highway 51 to junction Nebraska Highway 16, thence over Nebraska Highway 16 to junction Nebraska Highway 35, thence over Nebraska Highway 35 to Wayne, Nebr., thence continuing over Nebraska Highway 35 to junction U.S. Highway 73, thence over U.S. Highway 73 to Sioux City, Iowa, thence over U.S. Highway 75 to junction Iowa Highway 33, thence over Iowa Highway 33 to junction Iowa Highway 10, thence over Iowa Highway 10 to Paullina, Iowa, thence continuing over Iowa Highway 10 to junction U.S. Highway 59, thence over U.S. Highway 59 to junction U.S. Highway 18, thence over U.S. Highway 18 to junction Iowa Highway 33, thence over Iowa Highway 33 to the Iowa-Minnesota State line, thence over Minnesota Highway 60 to junction U.S. Highway 169, thence over U.S. Highway 169 to junction Minnesota Highway 101, thence over Minnesota Highway 101 to junction Minnesota Highway 13, thence over Minnesota Highway 13 to St. Paul, and return over the same route, serving the intermediate or off-route points of Savage, Shakopee, Belle Plaine, Henderson, LeSueur, St. Peter, Kasota, Mankato, Lake Crystal, Madelia, St. James, Butterfield, Mountain Lake, Bingham Lake, Windom, Wilder, Heron Lake, Brewster, Worthington and Bigelow, Minn., Sibley, Sheldon, Orange City, Alton, Paullina, Sioux City, Sergeant Bluff, Sloan, Whiting, Onawa, Blencoe and Mondamin, Iowa, and Blair, Herman, Tekamah, Craig, Oakland, Lyons, Bancroft, Pender, Wayne, Wakefield, Emerson, Dakota City, and South Sioux City, Nebr.

No. MC 66562 (Sub No. 1621), filed January 10, 1960. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York 17, N.Y. Applicant's attorneys: Slovacek and Galliani, 188 Randolph Tower, Suite 2800, Chicago 1, Ill. Authority sought to operate as a common carrier, by motor vehicle, over a regular route, transporting: General commodities, including Classes A and B explosives, moving in express service, between La Crosse, Wis., and Mankato, Minn., from La Crosse over U.S. Highway 14 to Mankato, and return over the same route, serving the intermediate or off-route points of Winona, Lewiston, Utica, St. Charles, Dover, Eyota, Rochester, Byron, Kasson, Dodge Center, Claremont, Owatonna, Waseca, and Janesville, Minn. The service to be performed by applicant shall be limited to that which is auxiliary to. or supplemental of, air or railway express service; and the shipments to be transported by applicant shall be limited to those moving under Railway Express Agency tariffs, on a Railway Express Agency receipt or waybill. Applicant is authorized to conduct operations throughout the United States.

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No. MC 66562 (Sub No. 1622), filed Nebraska Highway 121 to junction U.S. January 10, 1960. Applicant: RAIL-WAY EXPRESS AGENCY, INCORPO-RATED, 219 East 42d Street, New York 17, N.Y. Applicant's attorneys: Slovacek and Galliani, Suite 2800, 188 Randolph Tower, Chicago 1, Ill. Authority sought to operate as a common carrier, by motor vehicle, over a regular route, transporting: General commodities, including Classes A and B explosives, moving in express service, between Clinton, Iowa, and Omaha, Nebr., from Clinton over U.S. Highway 30 to junction Iowa Highway 82, thence south four miles over Iowa Highway 82 to Blairstown, Iowa, thence return over Iowa Highway 82 to junction U.S. Highway 30, thence over U.S. Highway 30 to junction Iowa Highway 14, thence north three miles over Iowa Highway 14, to Marshalltown, Iowa, thence return over Iowa Highway 14 to junction U.S. Highway 30, thence over U.S. Highway 30 to junction Iowa Highway 17, thence south 1 mile over Iowa Highway 17 to Jefferson, Iowa, thence return over Iowa Highway 17 to junction U.S. Highway 30, thence over U.S. Highway 30 to junction Iowa Highway 285, thence north one mile over Iowa Highway 285 to Arcadia, Iowa, thence return over Iowa Highway 285 to junction U.S. Highway 30, thence over U.S. Highway 30 to junction U.S. Highway 75 and Interstate Highway 29, thence over combined U.S. Highway 75 and Interstate Highway 29 to Council Bluffs, Iowa, thence west five miles to Omaha, and return over the same route, serving the intermediate or off-route points of Calamus, Lowden, Mount Vernon, Cedar Rapids, Blairstown, Tama, Marshalltown, State Center, Nevada, Ames, Boone, Ogden, Grand Junction, Jefferson, Ralston, Glidden, Carroll, Arcadia. Denison, Dunlap, and Council Bluffs, Iowa. The service to be performed by applicant shall be limited to that which is auxiliary to, or supplemental of, air or railway express service; and the shipments transported by applicant shall be limited to those moving on a through bill of lading or express receipt covering in addition to a motor carrier movement by applicant a prior or subsequent movement by air or rail.

No. MC 66562 (Sub No. 1623), filed January 10, 1960. Applicant: RAIL-WAY EXPRESS AGENCY, INCORPO-RATED, 219 East 42d Street, New York 17, N.Y. Applicant's attorneys: Slovacek and Galliani, Suite 2800, 188 Randolph Tower, Chicago 1, Ill. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: General commodities, including Classes A and B explosives, moving in express service, (1) Between Crawford, Nebr., and Valentine, Nebr., from Crawford over U.S. Highway 20 to Valentine, and return over the same route, serving the intermediate points of Chadron, Hay Springs, Rushville, Clinton, Gordon, Merriman, Cody, Kilgore, and Crookston, Nebr. (2) Between Norfolk. Nebr., and Valentine, Nebr., from Norfolk over U.S. Highway 275 to junction Nebraska Highway 121, thence south two miles over Nebraska Highway 121 to Battle Creek, Nebr., thence return over -Virginia.

Highway 275, thence over U.S. Highway 275 to junction U.S. Highway 20, thence over U.S. Highway 20 to Valentine, and return over the same route, serving the intermediate or off-route points of Battle Creek, Meadow Grove, Tilden, Oakdale, Neligh, Clearwater, Ewing, Inman, O'Neill, Atkinson, Stuart, Newport, Bassett, Long Pine, Ainsworth, and Wood Lake. Nebr. The application indicates the service to be performed by applicant shall be limited to that which is auxiliary to, or supplemental of, air or railway express service; and that the shipments transported shall be limited to those moving on a through bill of lading or express receipt covering in addition to a motor carrier movement by applicant a prior or subsequent movement by air or rail.

No. MC 87857 (Sub No. 48), filed January 18, 1960. Applicant: BRINK'S INCORPORATED, 234 East 24th Street, Chicago 16, Ill. Applicant's attorney: Francis D. Partlan, Legal Department, Brink's Incorporated (same address as applicant). Authority sought to operate as a contract carrier, by motor vehicle over irregular routes, transporting: Currency, in armored cars, accompanied by armed guards, between Kansas City, Mo., and Fort Riley Military Reservation, Fort Riley, Kans.

No. MC 106398 (Sub No. 147), filed January 14, 1960. Applicant: NA-TIONAL TRAILER CONVOY, INC., 1916 North Sheridan Road, Tulsa, Okla. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Outboard boats, not exceeding 18' in length, from Charlotte, New Bern, and Red Springs. N.C., and Columbia, S.C., to points in the United States, including Alaska and refused or damaged boats on return.

No. MC 111159 (Sub No. 105), filed January 14, 1960. Applicant: MILLER TRANSPÓRTERS, LTD., Highway 80 West, P.O. Box 1123, Jackson, Miss. Applicant's attorney: Phineas Stevens, Suite 700 Petroleum Building, P.O. Box 141, Jackson, Miss. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Petroleum and petroleum products, in bulk, in tank vehicles, from Pensacola, Fla., to Memphis and Nashville, Tenn.

No. MC 112497 (Sub No. 152), filed October 19, 1959. Applicant: HEARIN TANK LINES, INC., 6440 Rawlins Street. P.O. Box 3096 (Istrouma Branch), Baton Rouge, La. Applicant's attorney: Harry C. Ames, Jr., Transportation Building, Washington, D.C. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Fluorinated hydrocarbons, in bulk, in tank vehicles, from Baton Rouge, La., to points in New York. Applicant is authorized to conduct operations in Alabama, Arizona, Arkansas, California, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Mississippi, Missouri, New Jersey, New Mexico, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina. Tennessee, Texas, Virginia, and West

No. MC 117570 (Sub No. 4), filed January 14, 1960. Applicant: S&STRUCK-ING, INC., 1075 Polk Boulevard, Des Moines 12, Iowa. Applicant's representative: William A. Landau, 1307 First Walnut Street, Des Moines 16, Iowa. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Crushed rock, in bulk, in vehicles equipped with dump bodies, from points in Page County. Iowa to points in Nodaway County, Mo.

MOTOR CARRIER OF PASSENGERS

No. MC 3647 (Sub No. 274), filed January 13, 1960. Applicant: PUBLIC SERVICE COORDINATED TRANS-SERVICE PORT, a corporation, 180 Boyden Avenue, Maplewood, N.J. Applicant's attorney: Richard Fryling, Law Department (same address as above). Authority sought to operate as a common carrier, by motor vehicle, over a regular route, transporting: Passengers and their baggage, and express and newspapers, in the same vehicle with passengers. Within Bogota, N.J.: From junction West Fort Lee Road and River Road, over River Road to junction Main Street, thence over Main Street to junction Palisade Avenue, thence over Palisade Avenue to junction East Fort Lee Road, and return over the same route, serving all intermediate points.

PETITION

No. MC 60109 (PETITION FOR RE-DETERMINATION OF AUTHORITY). dated December 20, 1959. Petitioner: APPLE TRANSPORTATION COMPANY. a corporation, Philadelphia, Pa. Petitioner's representative: Lenwood Harris, 428 North Wilton, Philadelphia, Pa. By petition dated December 20, 1959. petitioner states that he holds authority in MC 60109 to transport immigrant movables and household goods, between Philadelphia and points in Pennsylvania within 35 miles of Philadelphia, on the one hand, and, on the other, points in New Jersey, New York, Delaware, Maryland, Virginia, and Washington, D.C. In No. MC 60109 (Sub No. 1), applicant is authorized to transport household goods, between Philadelphia, Pa., and points in Pennsylvania within 35 miles of Philadelphia, on the one hand, and, on the other, points in Pennsylvania, Delaware, New Jersey, New York, Connecticut, Rhode Island, Massachusetts, Ohio, Maryland, Virginia, and the District of Columbia. In No. MC 60109 (Sub No. 2), household goods, between points in Chester, Delaware and Philadelphia Counties, Pa., on the one hand, and, on the other, points in North Carolina, South Carolina, Indiana, Illinois, and West Virginia. Petitioner contends that the above descriptions provides confusion as to the services it is required to provide for customers, and prays the Commission delete the descriptions of the authority as stated above and issue the authority to read: transportation of household goods and imigrant movables. between Philadelphia, Pa., on the one hand, and, on the other, points in New Jersey, Pennsylvania, New York, Connecticut, Rhode Island, Massachusetts, Delaware, Virginia, West Virginia, Ohio,

Indiana, Illinois, North Carolina, South Carolina, and Washington, D.C. Any person or persons desiring to participate in this proceeding may file representations for or against the relief sought within 30 days from the date of this publication in the Federal Register.

APPLICATIONS FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5, GOVERNED BY SPECIAL RULE 1.240 TO THE EXTENT APPLICABLE

No. MC 16014 (Sub No. 8), filed January 15, 1960. Applicant: MORRIS MOTOR EXPRESS, INC., 505 Springdale Street, Cumberland, Md. Authority sought to operate as a common carrier. by motor vehicle, over a regular route, transporting; General commodities, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, Between State College, Centre County, Pa., and junction U.S. Highways 322 and 220, from State College over Pennsylvania Highway 45 to junction Pennsylvania Highway 53, thence over Pennsylvania Highway 53 through Pleasant Gap and Bellefonte, Pa., to Milesburg, Pa., thence over U.S. Highway 220 to Bedford, Bedford County, Pa., thence over U.S. Highway 30 to Everett. Pa., thence over Pennsylvania Highway 26 to junction Pennsylvania Highway 913, thence over Pennsylvania Highway 913 to Saxton, Pa., thence return over Pennsylvania Highway 913 to junction Altoona, Blair County, Pa., thence over Pennsylvania Highway 26 in a northerly direction to junction Pennsylvania Highway 164, thence over Pennsylvania Highway 164 to junction U.S. Highway 220, thence over U.S. Highway 220 to Altoona, Blair County, Pa., thence over Pennsylvania Highway 764 (formerly Pennsylvania Highway 264) and U.S. Highway 220 to Tyrone, Pa., thence over Pennsylvania Highway 550 to Warriors Mark, Pa., thence over Pennsylvania Highway 350 to junction Pennsylvania Highway 45, thence over Pennsylvania Highway 45 to State College, thence over U.S. Highway 322 to junction U.S. Highway 220, and return over the same route. serving all intermediate points, except local shipments having both origin and destination on the Route of Hall's Motor Transit Co., or Rural Motor Express.

Note: This matter is directly related to MC-F 7423.

No. MC 105461 (Sub. No. 16), filed January 19, 1960. Applicant: BENJA-MIN H. HERR, doing business as HERR'S MOTOR EXPRESS, 36 West State Street, P.O. Box 8, Quarryville, Pa. Applicant's attorney: Bernard N. Gingerick, Quarryville, Pa. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Glass bottles, (1) between Elmira, N.Y., on the one hand, and, on the other, points in Pennsylvania and New Jersey and (2) between Elmira, N.Y., on the one hand, and, on the other, points in Delaware.

NOTE: A proceeding has been instituted under section 212(c) of the Interstate Com-

merce Act to determine whether applicant's status is that of a contract or common carrier in No. MC 68807 (Sub No. 25), therefor dual authority may be involved, also this application is directly related to MC F 7404.

No. MC 105902 (Sub No. 11), filed January 19, 1960. Applicant: PENN YAN EXPRESS, INC., 100 West Lake Road, Penn Yan, N.Y. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: General commodities, between Syracuse, N.Y., and Buffalo, N.Y.: from Syracuse over New York Highway 5 to Buffalo, and return over the same route. serving all intermediate points, and alternate routes between Syracuse and Buffalo as follows: (a) from Syracuse over N.Y. Highway 5 to Elbridge, thence over N.Y. Highway 31B to Weedsport, thence over N.Y. Highway 31 to Rochester, thence over U.S. Highway 104 to Niagara Falls, and thence over N.Y. Highway 18 to Buffalo, and return, (b) from Syracuse over N.Y. Highway 5 to Canadaigua, thence over N.Y. Highway 332 to junction N.Y. Highway 2, thence over N.Y. Highway 3 to Rochester, and thence over N.Y. Highway 33 to Buffalo, and return and (c) from Syracuse over N.Y. Highway 5 to Waterloo, thence over N.Y. Highway 2 to Rochester, and thence over N.Y. Highway 33 to Buffalo, and return including service to the following off-route points: the Cities of Tonawanda and North Tonawanda, and the Villages of Lancaster. Fairport, Youngstown, Jordan, Clifton Springs, Shortsville, Albion, Medina, and Webster, N.Y.

Note: Applicant indicates the instant application is directly related to proceeding in No. MC-F-7429.

No. MC 107496 (Sub No. 151), filed January 18, 1960. Applicant: RUAN TRANSPORT CORPORATION, 408 Southeast 30th Street, Des Moines, Jowa. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Petroleum products, in bulk, in tank trucks, from La Crosse, Wis., to points in Iowa within 100 miles of La Crosse and those in that part of Minnesota south and east of a line extending from the Minnesota-Wisconsin state line of Wabasha, Minn., thence along Minnesota Highway 60 to junction U.S. Highway 63, thence along U.S. Highway 63 to the Minesota-Iowa State Line, including points on the indicated portions of the highway specified, subject to the restriction that authority granted under this application shall not be tacked or joined with any authority otherwise held by applicant.

Note: This application is directly related to MC-F 7426.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carrier of property or passengers under section 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto. (49 CFR 1.240.)

No. MC-F 7048, DALLAS & MAVIS FORWARDING CO., INC.—PURCHASE (PORTION)—THE BILLY BAKER CO., published in the December 10, 1958, issue of the FEDERAL REGISTER on page 9582. Application filed January 19, 1960, for temporary authority under section 210a(b).

No. MC-F 7363 (UNITED STATES VAN LINES, INC.—PURCHASE—J. NORMAN GEIPE VAN LINES, INC.), published in the November 18, 1959, issue of the Federal Register on page 9324. Vendee's address should be shown as 59642 South U.S. 31, South Bend 14, Ind.

No. MC-F 7414 (EUGENE W. ADAMS AND HELEN V. ADAMS—CONTROL—S. & S. TRANSPORTATION, INC.), published in the January 13, 1960, issue of the Federal Register on page 277. Application filed January 18, 1960, for temporary authority under section 210a(b).

No. MC-F 7419. Authority sought for purchase by DE ROSA TRANSPORTA-TION, INC., 2278 South Union Avenue, Chicago 16, Ill., of the operating rights of EXON MOTOR SERVICE, INC., 504 East North Avenue, Libertyville, Ill., and for acquisition by D & A EQUIPMENT CO., 2278 South Union, Chicago, Ill., and, in turn, by DOM DeROSA, 7412 Sheridan Road, Kenosha, Wis., of control of such rights through the purchase. Applicants' attorney: Franklin R. Overmyer, 111 West Monroe Street, Chicago 3, Ill. Operating rights sought to be transferred: Household goods, as defined by the Commission, and general commodities, except those of unusual value, Class A and B explosives, livestock, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, as a common carrier over regular routes, between Chicago, Ill., and Delavan, Wis., serving all intermediate and certain off-route points; general commodities, excepting, among others, household goods and commodities in bulk, over irregular routes, between Chicago, Ill., (not including points in Indiana lying within the Chicago, Ill., Commercial Zone, as defined by the Commission), on the one hand, and, on the other, Libertyville and Grayslake. Ill.; household goods, as defined by the Commission, and general commodities, except those of unusual value, Class A and B explosives, livestock, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between points in Cook, McHenry, and Lake Counties, Ill., on the one hand, and, on the other, points in Kenosha and Walworth Counties, Wis. Vendee is authorized to operate as a common carrier in Illinois, Indiana, and Michigan. Application has been filed for temperary authority under section 210a(b).

No. MC-F 7420. Authority sought for control and merger by FEDERAL EXPRESS, INC., 4930 North Pennsylvania Street, Indianapolis, Ind., of the operating rights and property of BOWLING GREEN EXPRESS, INC., 4th and Kentucky Streets, Bowling Green, Ky., and for acquisition by H. J. SECOY, 4930 North Pennsylvania Street, Indianapolis, Ind., of control of such rights and property through the transaction. Applicants' attorneys: Axelrod, Goodman &

Steiner, 39 South La Salle Street, Chicago, Ill., and Joe B. Orr, Davenport Building, Bowling Green, Ky. Operating rights sought to be controlled and merged: Genral commodities, except those of unusual value, livestock, explosives, household goods as defined by the Commission, loose bulk commodities, small arms ammunition, currency, bullion, commodities which are contaminating or injurious to other lading, or which exceed ordinary equipment and loading facilities, as a common carrier over regular routes, between Louisville, Ky., and Nashville, Tenn., with service to the intermediate points of Kosmosdale, Fort Knox, and Elizabethtown, Ky., restricted to the delivery of northbound traffic only, and to and from all other intermediate points without restriction, and to and from the off-route points of Mammoth Cave, Brownsville, Rocky Hill, Smith's Grove, and Morgantown, Ky., and Portland and Old Hickory, Tenn.; general commodities, except those of unusual value, livestock, Class A and B explosives, household goods as defined by the Commission and commodities in bulk, between Bowling Green, Ky., and Auburn, Ky., serving all intermediate points, and all off-route points within five miles of Auburn, Ky. FEDERAL EXPRESS, INC., is authorized to operate as a common carrier in Michigan, Indiana, Ohio, Kentucky, Missouri, and Illinois. Application has not been filed for temporary authority under section 210a(b).

No. MC-F 7421. Authority sought for purchase by INTERSTATE MOTOR FREIGHT SYSTEM, 134 Grandville SW., Grand Rapids 2, Mich., of the operating rights of MIDWEST TRANSIT LINES. INC., 315 Ninth Street, Benton Harbor, Mich. Applicants' attorney: Leonard D. Verdier, Jr., 300 Michigan Trust Building, Grand Rapids 2, Mich. Operating rights sought to be transferred: Express, as a common carrier over regular routes, between Niles, Mich., and Benton Harbor and Saint Joseph, Mich., serving the intermediate points of Benton Harbor and Saint Joseph; iron and steel articles, from Morris, Ill., to Chicago, Ill., serving no intermediate points; service is restricted to the transportation of the commodities specified, in continuous movement from Morris to La Porte, Ind., and Benton Harbor and Saint Joseph, Mich., over routes authorized herein; iron and steel articles, from Morris, Ill., to La Porte, Ind., serving no intermediate points; general commodities, excepting, among others, household goods and commodities in bulk, over irregular routes, from Chicago, Ill., to La Porte and South Bend, Ind., between points in Berrien, Van Buren, and Cass Counties, Mich., on the one hand, and, on the other, La Porte, Michigan City, and South Bend, Ind., and points in the Chicago, Ill., Commercial Zone, as defined by the Commission, and between Michigan City, Ind., on the one hand. and, on the other, points in the Chicago, Ill.. Commercial Zone, as defined by the Commission. Vendee is authorized to operate as a common carrier in Ohio, Pennsylvania, Illinois, Wisconsin, Minnesota, Missouri, Indiana, Michigan, Kentucky, West Virginia; Maryland, New York, New Jersey, Massachusetts, Iowa, Virginia, Delaware, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC-F 7422. Authority sought for control by MAURICE B. WILSON, 110 North Reid Street, Sioux Falls, S. Dak., of DIRECT TRANSPORTS, INC., 1400 Avenue A West, Fort Dodge, Iowa. Applicant's attorney: R. G. May, 316 Security Bank Building, Sioux Falls, S. Dak. Operating rights sought to be controlled: General commodities, except money and jewelry, as a common carrier over regular routes, between Leon, Iowa, and St. Joseph, Mo., and between Leon, Iowa, and Des Moines, Iowa, serving certain intermediate and off-route points; general commodities, excepting, among others, household goods and commodities in bulk, between Eagleville, Mo., and Kansas City, Kans., between Eagleville, Mo., and St. Joseph, Mo., between St. Joseph, Mo., and Albany, Mo., between Albany, Mo., and McFall, Mo., and between junction U.S. Highways 169 and 136 and Grant City, Mo., serving certain intermediate and off-route points; butter, from Ravenwood, Mo., to Kansas City, Mo., serving no intermediate points; general commodities, excepting, among others, household goods and commodities in bulk, over irregular routes. between points in Decatur and Ringgold Counties, Iowa, on the one hand, and, on the other, Kansas City, Kans., St. Joseph and Kansas City, Mo., and points in Harrison, Mercer, and Worth Counties, Mo., and between King City, Mo., and points within 10 miles thereof, on the one hand, and, on the other, points in Iowa, Kansas, and Nebraska; household goods, as defined by the Commission, between points in Decatur and Ringgold Counties, Iowa, on the one hand, and, on the other, points in Missouri, and between St. Joseph, Mo., and points in Missouri within 30 miles of St. Joseph, on the one hand, and, on the other, points in Kansas; candy, in truck-load lots, from St. Joseph, Mo., to points in Kansas; coal, from points in Putnam and Schuyler Counties, Mo., to points in Decatur County; Iowa; emigrant movables, between Bethany, Mo., and points within 10 miles thereof, on the one hand, and, on the other, points in Iowa, Kansas, and Illinois: flour and seed, from Beatrice, Crete, Wymore, and Nebraska City, Nebr, to Lamoni, Iowa, and Unionville, Princeton, Gainesville, and Ridgeway, Mo. MAURICE B. WILSON holds no authority from this Commission. However, he is affiliated with WILSON STORAGE AND TRANSFER CO., 110 North Reid Street, Sioux Falls, S. Dak., which is authorized to operate as a common carrier in Minnesota, South Dakota, North Dakota, Iowa, Illinois, and Nebraska. Application has not been filed for temporary authority under section 210a(b).

No. MC-F 7423. Authority sought for purchase by MORRIS MOTOR EXPRESS, INC., 505 Springdale Street, Cumberland, Md., of the operating rights and property of ELMER R. SNIVELY, 400 Sprankle Avenue, Altoona, Pa., and for acquisition by GLENN MORRIS, 809

Maplewood Lane, Cumberland, Md., of control of such rights and property through the purchase. Applicants' representative: Glenn Morris, President, Morris Motor Express, Inc., 505 Springdale Street, Cumberland, Md. Operating rights sought to be transferred: Operations under the Second Proviso of section 206(a) (1) of the Interstate Commerce Act covering the transportation of property as a common carrier over regular routes in the State of Pennsylvania. These rights are more specifically described in Docket No. MC 57291. Vendee is authorized to operate as a common carrier in Pennsylvania, Maryland, West Virginia, Virginia, Delaware, New Jersey, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

Note: MC 16014 Sub 8 is a matter directly related.

No. MC-F 7424. Authority sought for control by WILSON FREIGHT FOR-WARDING COMPANY, 3636 Follett Avenue, Cincinnati 23, Ohio, of INTER-STATE DISPATCH, INC., 3636 South Western Avenue, Chicago 9, Ill., and for acquisition by LEONARD S. SHORE, DAVID M. GANTZ, S. DAVID SHOR and JOSEPH M. GANTZ, all of Cincinnati, of control of INTERSTATE DIS-PATCH, INC., through the acquisition by WILSON FREIGHT FORWARD-ING COMPANY. Applicant's attorney: Harry C. Ames, Jr., 216 Transportation Building, Washington 6, D.C. Operating rights sought to be controlled: General commodities, excepting, among others, household goods and commodities in bulk, as a common carrier over regular routes, between Chicago, Ill., and Cincinnati, Ohio, Virginia, Ill., St. Louis, Mo., and Davenport, Iowa, between Chicago, Ill., and Dayton, Ohio, between Milwaukee, Wis., and Chicago, Ill., between Dayton, Ohio, and Springfield, Ohio, and between Chicago, Ill., and junction U.S. Highways 41 and 6 and Indiana Highway 152, serving certain intermediate and off-route points: several alternate routes for operating convenience only; general commodities, except those of unusual value, and except household goods as defined by the Commission, between Napoleon, Ind., and junction Indiana Highways 1 and 50, between Osgood, Ind., and junction Indiana Highways 350 and 1, between junction U.S. Highway 50 and Indiana Highway 29, and Rexville, Ind., between Versailles, Ind., and Cross Plains, Ind., between Olean, Ind., and Dillsboro, Ind., between junction Indiana Highways 1 and 48 and Lawrenceburg, Ind., between junction U.S. Highways 41 and 6, and junction U.S. Highways 35 and 30, between Danville, Ill., and Lawrenceville. Ill., between Effingham, Ill., and junction U.S. Highways 45 and 50, between Effingham, Ill., and Salem, Ill., and between Decatur, Ill., and Sandoval, Ill., serving no intermediate points but serving the off-route points of Jefferson Proving Grounds, Madison, Ind., and Kingsbury Ordnance Plant, Ind. WILSON FREIGHT FORWARDING COMPANY is authorized to operate as a common carrier in Pennsylvania, New York, Ohio,

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Maryland, Kentucky, New Jersey, Massachusetts, Virginia, West Virginia, North Carolina, Tennessee, Delaware, Connecticut, Indiana, Illinois, Rhode Island, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC-F 7425. Authority sought for control by PUGET SOUND FREIGHT LINES, Pier 62, Seattle 1, Wash., of, WOOD CHIP TRANSPORT, INC., Pier 62, Seattle 1, Wash. Applicant's attorney: Charles J. Keever, 812 Hoge Building, Seattle 4, Wash. Operating rights sought to be controlled: Authority applied for under application filed November 25, 1959 in Docket No. MC 119328 to transport, as a contract carrier over irregular routes, wood chips and sawdust, from Park Lumber Co., Inc., at or near Estacada, Oreg., to Crown Zellerbach Corporation's mill at Camas, Wash.; sawdust and wood shavings, from 'Cascade Locks Lumber Co. at or near Cascade Locks, Oreg., to Crown Zellerbach Corporation's mill at Camas, Wash.; wood chips, from Anacortes Veneer Company, Oregon division, at or near Sandy, Oreg., to Crown Zellerbach Corporation's mill at Camas, Wash.; wood chips and sawdust, from S & M Lumber Co. at or near Oregon City, Oreg., to Crown Zellerbach Corporation's mill at Camas, Wash.; wood chips, from Hodge Bros. Lumber Co. at or near Grand Ronde, Oreg., to Crown Zellerbach Corporation's mill at Camas, Wash. PUGET SOUND FREIGHT LINES is a water common carrier of commodities generally operating in interstate and foreign commerce on Puget Sound and adjacent inland waters of the State of Washington and in British Columbia waters under Certificate No. W-505 issued by this Commission. It is affiliated with PUGET SOUND TRUCK LINES, INC., Pier 62, Seattle 1, Wash., which is authorized to operate as a common carrier in Washington and Oregon. Application has not been filed for temporary authority under section 210a(b).

No. MC-F 7426. Authority sought for purchase by RUAN TRANSPORT COR-PORATION, 408 Southeast 30th Street, Des Moines, Iowa, of a portion of the operating rights of HILLSIDE TRANSIT CO., INC., 3150 North 117th Street, Milwaukee, Wis., and for acquisition by JOHN RUAN, also of Des Moines, of control of such rights through the purchase. Applicants' attorney: Henry L. Fabritz, P.O. Box 855, Des Moines 4, Iowa. Operating rights sought to be transferred: Petroleum products, in bulk, in tank trucks, as a contract carrier over irregular routes, from La Crosse, Wis., to points in Iowa within 100 miles of La Crosse and those in that part of Minnesota south and east of a line extending from the Minnesota-Wisconsin state line at Wabasha, Minn., thence along Minnesota Highway No. 60 to junction U.S? Highway No. 63, thence along U.S. Highway No. 63 to the Minnesota-Iowa state line, including points on the indicated portions of the highways specified. Vendee is authorized to operate as a common carrier in Iowa, Illinois, Wisconsin, Missouri, Minnesota, Nebraska, Kansas, North Dakota, South Dakota,

Indiana, Michigan, Ohio, Colorado, Oklahoma, Arkansas, Louisiana, Kentucky, Texas, and Pennsylvania. Application has not been filed for temporary authority under section 210a(b).

Note: No. MC 107496 Sub 151 is a matter directly related.

No. MC-F 7427. Authority sought for purchase by CENTRALIA CARTAGE CO., 650 West Noleman Street, Centralia, Ill., of the operating rights and property of ST. MARYS TRUCK LINES. , doing business as SOUTHERN IL-LINOIS EXPRESS, State and Market Streets, Christopher, Ill., and for acquisition by RALPH H. SPREHE and FOR-REST D. SPREHE, both of Centralia, of control of such rights and property through the purchase. Applicants' attorneys: Delmar O. Koebel and Joseph H. Goldenhersh, both of 406 Missouri Avenue, East St. Louis, Ill. Operating rights sought to be transferred: General commodities, excepting, among others, household goods and commodities in bulk, as a common carrier over regular routes, between St. Louis, Mo., and Benton, Ill., and between Belleville and Pyatts, Ill., and Benton, Ill., serving all intermediate points and the off-route point of Herrin, Ill. Vendee is authorized to operate as a common carrier in Missouri, Indiana, and Illinois. Application has not been filed for temporary

authority under section 210a(b).

No. MC-F 7428. Authority sought for purchase by UNITED STATES VAN LINES, INC., 59642 South U.S. 31, P.O. Box 2608, South Bend 14, Ind., of a portion of the operating rights of C. O. BELL, doing business as BELL TRANS-FER AND STORAGE, 205 East D Avenue, Lawton, Okla., and for acquisition by HAZEN H. STEVENS, 2909 Buford Highway, Atlanta, Ga., ALLEN A. MET-CALF, SR., and ALLEN A. METCALF, JR., both of 1255 East Highway 36, St. Paul, Minn., and ARCHIBALD H. STE-VENS, 121 South Niagara, Saginaw, Mich., of control of such rights through the purchase. Applicants' attorney: Ramon S. Regan, 2255 Penobscot Building, Detroit 26, Mich. Operating rights sought to be transferred: Household goods, as defined by the Commission, as a common carrier over irregular routes. between points in Oklahoma, on the one hand, and, on the other, points in Colorado, Kansas, Louisiana, Missouri, and Texas, between points in Cleveland and McClain Counties, Okla., on the one hand, and, on the other, points in Arkansas, Kansas, and Texas, and between points in Beckham County, Okla., and those within 50 miles of Beckham County, on the one hand, and, on the other, points in Oklahoma, Texas, and New Mexico. Vendee is authorized to operate as a common carrier in all States except Nevada, New Mexico, Mississippi, and Alabama. Application has not been filed for temporary authority under section 210a(b).

No. MC-F 7429. Authority sought for purchase by PENN YAN EXPRESS, INC., 100 West Lake Road, P.O. Box 396, Penn Yan, N.Y., of a portion of the operating rights of VAN TRANSPORT LINES, INC., 306 West Division Street, Syracuse, N.Y., and for acquisition by ROBERT

HINSON, also of Penn Yan, of control of such rights through the purchase. Applicants' attorney: Harold Jacobs, 428 South Salina Street, Syracuse, N.Y., and Bert Collins, 140 Cedar Street, New York 6, N.Y. Operating rights sought to be transferred: Operations under the Second Proviso of section 206(a)(1) of the Interstate Commerce Act covering the transportation, as a common carrier over a regular route, of general commodities, as defined by the New York Public Service Commission in Case MT-4467, between Syrácuse, N.Y., and Buffalo, N.Y., serving all intermediate and certain offroute points; three alternate routes for operating convenience only. Vendee is authorized to operate as a common carrier in New York, New Jersey, Pennsylvania, Maryland, Delaware, Connecticut, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

Nore: No. MC 105902 Sub 11 is a matter directly related.

No. MC-F 7430. Authority sought for purchase by LEONARD BROS. TRANS-FER & STORAGE CO., INC., 2595 Northwest 20th Street, Miami 52, Fla., of the operating rights of J. D. BELL, INC., 4620 Madison Street, Riverdale, Md., and for acquisition by T. A. LEONARD, JR., BETTY L. OZBURN and LEILA H. LEONARD, all of Miami, and REVA S. SAWYER, 1411 South Orange Blossom Trail, Orlando, Fla., of control of such rights through the purchase. Applicants' attorney and representative, respectively: Samuel W. Earnshaw, 983 National Press Building, Washington 4, D.C., and J. Fred Dewhurst, Vice President for Traffic, Leonard Bros. Transfer & Storage Co., Inc., 2595 Northwest 20th Street, Miami 52, Fla. Operating rights sought to be transferred: Household goods, as defined by the Commission, as a common carrier over irregular routes, between points in New York, Pennsylvania, New Jersey, Rhode Island, Connecticut, Delaware, Maryland, and the District of Columbia, between the points specified above, on the one hand, and, on the other, points in Massachusetts; Virginia, West Virginia, North Carolina, South Carolina, Georgia, Florida, Ohio, Indiana, Illinois, Kentucky, Michigan, Maine, New Hampshire, Vermont, Alabama, Mississippi, Iowa, and Wisconsin, between Philadelphia, Pa., on the one hand, and, on the other, points in Massachusetts, Connecticut, New York, New Jersey, Delaware, Maryland, Virginia, Ohio, and the District of Columbia, and between points in North Carolina and Virginia; household goods, as defined by the Commission, and emigrant movables, between points in Iowa, Illinois, and Minnesota; trailers equipped with scientific instruments or scientific equipment. in secondary movements, in truckaway service, when moving on Government bills of lading, and passengers who are at the time representatives of manufacturers or owners of the trailers described above who have been designated by their principals to accompany such trailers during the transportation thereof, and the baggage of such passengers, in special operations, from

Curtis Bay, Md., to points in the United States; trailers equipped with scientific instruments, in secondary movements, in truckaway service, when moving on Government bills of lading, between White Oak and Chesapeake Beach, Md., on the one hand, and, on the other, points in the United States. Vendee is authorized to operate as a common

carrier in Florida, Alabama, Delaware, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maryland, Mississippi, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, West Virginia, Texas, Confecticut, Maine, Massachusetts, Michigan, Missouri, New Hampshire, Rhode Island, Vermont, Wisconsin, California,

and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL]

HAROLD D. McCoy, Secretary.

[F.R. Doc. 60-783; Filed, Jan. 27, 1960; 8:45 a.m.]

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